2-1

Promoting the wise use of land
Helping build great communities

COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT

PLANNING COMMISSION

MEETING DATE	CONTACT/PHONE	APPLICANT	FILE NO.
June 13, 2013	Michael Conger 805-781-5136 mconger@co.slo.ca.us	County of San Luis Obispo	LRP2012-00009

SUBJECT
Request by the County of San Luis Obispo for an amendment to Titles 19 (Building and Construction Ordinance), 22 (Land Use Ordinance), and 23 (Coastal Zone Land Use Ordinance) of the County Code in order to (1) implement the Post Construction Requirements adopted by the Central Coast Regional Water Quality Control Board; and (2) adopt revisions to the grading ordinance within the Coastal Zone. This ordinance will implement requirements that are imposed by mandate of the Regional Water Quality Control Board in order to comply with the Phase-II National Pollutant Discharge Elimination System (NPDES) permit for municipal stormwater discharges.

RECOMMENDED ACTION
Recommend to the Board of Supervisors approval of Land Use Ordinance Amendment LRP2012-00009 based on the findings listed in Exhibit A.

ENVIRONMENTAL DETERMINATION
Sections 1 through 5 and 7 of this ordinance qualify for a Categorical Exemption (Class 8) pursuant to CEQA Guidelines Section 15308, because the project is an action undertaken by a regulatory agency to establish procedures for the protection of water quality. Regarding Section 6 (Coastal Zone Grading Ordinance), the Environmental Coordinator found that the previously certified Final Environmental Impact Report (FEIR) is adequate for the purposes of compliance with CEQA because no substantial changes are proposed in the project which will require major revision of the previously certified FEIR, no substantial changes occur with respect to the circumstance under which the project is undertaken which will require major revision of the previously certified FEIR, and no new information of substantial importance has been identified which was not known at the time that the previous FEIR was certified.

LAND USE CATEGORY	COMBINING DESIGNATION	ASSESSOR PARCEL NUMBER	SUPERVISOR DISTRICT(S)
All	Not Applicable	Not Applicable	All

PLANNING AREA STANDARDS:
Not Applicable

EXISTING USES:
Not Applicable

SURROUNDING LAND USE CATEGORIES AND USES:
Not Applicable

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT:
The project was referred to: Community Advisory Groups, Community Services Districts, Public Works, County Parks, Cal Fire, Cal Trans, Regional Water Quality Control Board, Air Pollution Control District, CA Fish & Wildlife, US Fish and Wildlife Service.

TOPOGRAPHY:	VEGETATION:
Not Applicable	Not Applicable
PROPOSED SERVICES:	**AUTHORIZED FOR PROCESSING DATE:**
Not Applicable	January 29, 2013

ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT:
COUNTY GOVERNMENT CENTER ✦ SAN LUIS OBISPO ✦ CALIFORNIA 93408 ✦ (805) 781-5600 ✦ FAX: (805) 781-1242

PROJECT SUMMARY

Background / History

About once every five years, the State Water Resources Control Board (SWRCB) updates the stormwater management requirements for cities and counties in California. These requirements are designed to control against impacts from stormwater discharged through municipal facilities, also referred to as the Municipal Separate Storm Sewer System (MS4). Stormwater control regulations originate from the National Pollutant Discharge Elimination System (NPDES), and are essentially mandates with which the County must comply.

When land is developed and impervious surfaces are introduced, the natural drainage conditions on a site are substantially changed. These changes can, in turn, impact the hydrology of a watershed. To avoid these impacts, NPDES regulations require that the County address stormwater management, both during the construction phase of a project ("construction phase"), and also for the operational life of the project ("post-construction phase").

In 2010, grading ordinance updates were adopted by the Board of Supervisors to address construction-phase stormwater management. This ordinance is already in effect in the inland portion of the County. The Coastal version of the grading ordinance (excluding changes to agricultural exemptions) is now proposed for re-adoption. Construction phase impacts are addressed by requiring County review and approval of a drainage plan, erosion and sedimentation control plan, and a stormwater pollution prevention plan (SWPPP) in certain cases.

Hydrological changes that last beyond the construction phase must also be addressed with new development. Examples of post-construction impacts that result from the development of a site could include the following:

- Volume. The volume of stormwater discharged from a site can increase, as new impervious surfaces reduce the area where water can percolate into the soil.
- Velocity. The velocity of stormwater can increase, if water is concentrated and discharged at specific points rather than through sheet flow.
- Direction of flow. The location where stormwater is directed can change based on how a site is graded and developed.
- Peak flow. The peak flow (i.e. the highest rate of flow) during a storm event is generally increased, as

The proposed ordinance will apply the post-construction stormwater management requirements developed for the Central Coast region to both the inland and coastal portions of the County. These requirements focus on four strategies:

- Site design and runoff reduction. This strategy includes reducing impervious pavement, retaining natural hydrological functions, and employing good site design practices.
- Water quality treatment. This strategy includes using open vegetated swales or other Low Impact Development (LID) practices to treat stormwater before discharging.
- Runoff retention. This strategy relies largely on retention and infiltration of stormwater. Facilities to retain and infiltrate must be designed to handle a certain volume of stormwater. The volume to be retained depends on the site's hydrologic characteristics. In most cases, it will be based on retention up to the 95th percentile storm event.
- Peak management. This strategy seeks to use stormwater devices to mimic pre-development peak flow conditions.

ORDINANCE COMPONENTS

The proposed Stormwater Ordinance includes two components:

1. Post-Construction Stormwater Requirements
2. Coastal Zone Grading Ordinance Amendments
3. Modifications to Title 19 (Building and Construction Ordinance)

PART ONE: Post-Construction Stormwater Requirements

Background – The County is required to update its ordinance in order to comply with National Pollutant Discharge Elimination System (NPDES) requirements. *See the adjacent text box for more information about NPDES.*

The Central Coast Regional Water Quality Control Board (RWQCB) adopted Post-Construction Requirements (PCRs) in September 2012. They are expected to adopt an updated version of the PCRs at a hearing on July 12, 2013 to be held in Watsonville.

ABOUT NPDES

How do we get from the Clean Water Act to this Ordinance?

1. **The Clean Water Act (CWA) establishes the National Pollutant Discharge Elimination System (NPDES).** NPDES is the permitting system used to authorize discharges from industrial, municipal, and certain agricultural sources.
2. **The County is a municipal discharger subject to NPDES.** Stormwater that enters County facilities is subsequently discharged into watercourses protected under the CWA. The County's *stormwater conveyance system* includes any municipally owned devices that convey water, such as roads, gutters, and storm drains.
3. **In order to discharge stormwater, the County is covered under a State Permit.** The State Water Resources Control Board issues a General Permit for municipal stormwater discharges roughly every 5 years. The County has applied for and received coverage under this General Permit.
4. **The State Permit requires that the County update its ordinances.** In order to comply with the General Permit, the County is subject to certain conditions. These conditions include requirements for enforceable ordinances that regulate stormwater discharges from construction projects and long-term operational (i.e. "post-construction") stormwater discharges from urbanized development.

This ordinance, which is required by the RWQCB Order, would create a process for the County to review a Stormwater Control Plan (SWCP) for compliance with the PCRs. This means that issues concerning site hydrology and drainage may need to be addressed much earlier along in the project review process – preferably before project design. In most cases, it appears the assistance of a Civil Engineer and/or Geotechnical Engineer may be needed in order to sufficiently demonstrate compliance with PCRs.

In certain circumstances *structural* stormwater control measures (SCMs) may be required. Examples of structural SCMs include retention basins, subterranean infiltration basins, open vegetated swales, etc. In these cases, a maintenance agreement is required, which would include a provision for annual certification that the SCMs have been properly maintained and are functional. The County is then required to compile this data and provide an annual report to the RWQCB.

Under the proposed RWQCB Order, this ordinance would be required to go into effect as of **September 6, 2013.**

Effect – The ordinance contains the following provisions:

- **Applicant must submit a Stormwater Control Plan.** As part of the submittal for a new subdivision, land use permit, grading permit, or construction permit, the applicant must provide a Stormwater Control Plan. This plan will demonstrate compliance with Post-Construction Requirements.

- **The Stormwater Control Plan is reviewed for compliance with the Central Coast Post-Construction Requirements.** The County reviews the plans to ensure compliance with the Post-Construction Requirements. Depending on the amount of impervious surfacing proposed, the following performance requirements can be triggered:

Impervious Surface Area	Performance Standard			
	Site Design and Runoff Reduction	Water Quality	Runoff Retention	Peak Management
≥ 2,500 sq ft	●			
≥ 5,000 sq ft (except SFR[1])	●	●		
≥ 15,000 sq ft	●	●	●	
≥ 22,500 sq ft	●	●	●	●

  In most cases, the applicant will require the assistance of a Civil Engineer and/or Geotechnical Engineer in order to supply the necessary information.

- **A maintenance agreement is required for structural stormwater devices.** Some projects will require structural stormwater devices – e.g. retention basins, constructed wetlands, bioswales, filter strips, etc. Unless adequately maintained over time, these structures may not function as designed. In order to ensure the long-term functionality of these devices the applicant will be required to enter into a maintenance agreement. This maintenance agreement will include annual reporting and certification to the County. The County, in turn, must report on compliance to the Regional Water Quality Control Board.

Implementation – In order to implement the Post-Construction Requirements, the proposed ordinance contains the following sections:

- **Section 1:** Repeals and replaces Section 22.10.155 of the Land Use Ordinance with revised language on stormwater management.
- **Section 2:** Adds/modifies definitions in the Land Use Ordinance

[1] SFR = Single Family Residence

- **Section 3:** Introduces a new Chapter to the Building and Construction Ordinance containing stormwater management language. This Section will "sunset" upon completion of the Local Coastal Program Amendement.
- **Section 4:** Introduces a new Section 23.04.450 to the Coastal Zone Land Use Ordinance.
- **Section 5:** Adds/modifies definitions in the Coastal Zone Land Use Ordinance.

PART TWO: Coastal Zone Grading Ordinance Amendments

Background – In 2010, the Board of Supervisors adopted comprehensive amendments to both the inland and Coastal Zone grading ordinances. These amendments were intended to achieve compliance with construction-phase discharge requirements identified in the County's 2007 Stormwater Management Program (SWMP). The ordinance has been in effect in the inland portion of the County since May 2010.

To take effect in the Coastal Zone, the County's Local Coastal Program (LCP) requires amendment. The Coastal Commission considered the grading ordinance amendment in August 2012. At that time, the Coastal Commission denied the County's proposed amendment, and adopted a revised amendment with 35 modifications. The Board of Supervisors reviewed and considered the Coastal Commission's modifications on January 29, 2013, and chose not to certify the Local Coastal Program Amendment. This choice largely reflected concerns about modifications to the Coastal Development Permit exemption for agricultural activities.

At this time, we have not been able to reach agreement with Coastal Commission staff regarding modifications to agricultural grading. As a result, we are proposing to move forward with the version of the Coastal Commission's modified version of the Board-adopted ordinance – excluding any changes to agricultural grading (i.e. retaining the existing exemptions).

The Coastal Zone Grading Ordinance amendments now being proposed reflect the Board of Supervisors' original 2010 adoption, along with modifications made by the Coastal Commission. The topic where the County and Coastal Commission have been unable to reach an agreement is in regards to agricultural grading activities. As a result, the current proposal no longer includes modifications to the current agricultural grading exemption in the Coastal Zone. All other Coastal Commission modifications have been incorporated into the ordinance.

The Board's adopted resolution explaining the rationale for choosing not to certify the Coastal Commission's action is attached in Exhibit H.

Effect – Most of the provisions in the Coastal Zone grading ordinance are functionally similar to existing grading provisions in the Coastal Zone Land Use Ordinance. These revisions would bring the Coastal ordinance into relative alignment with the inland ordinance by adding the following provisions:

Section	Description
23.05.020 Purpose and Intent	Purpose and intent of the ordinance.

Section	Description
23.05.022 Responsibility of the Landowner	New standard. Specifies that the landowner is responsible to ensure proper grading practices.
23.05.024 Scope	Describes the scope of the ordinance.
23.05.026 Administrative Procedures	Requires compliance with building code standards. If standards conflict, Title 23 shall apply.
23.05.028 Grading Permit Required	Requires a grading permit for all earthwork that is not exempt under Section 23.05.032.
23.05.030 Grading	Defines "grading" and identifies other land use permitting requirements.
23.05.032 Exemptions from Grading Permits	Identifies exemptions from grading permits. The existing agricultural exemption is retained in Subsection b(12).
23.05.034 [Deleted]	Alternative Review Program – this section has been removed, as it pertains to an alternative permitting procedure for agricultural grading.
23.05.036 Review, Approval, and Permits	Describes the review and approval process. Identifies criteria for approval. Requires environmental review for grading permits.
23.05.038 Grading Plan Requirements	Identifies the required contents of grading plans.
23.05.040 Drainage Plan Required	Identifies when a drainage plan is required, as well as required contents.
23.05.042 Erosion and Sedimentation Control Plan Required	Identifies when an erosion and sedimentation control plan is required, as well as required contents.
23.05.044 Stormwater Pollution Prevention Plan (SWPPP) Required	New standard. Incorporates RWQCB-required construction-phase stormwater control standards. Requires submittal of a SWPPP. Sets the standards for contents and review of SWPPPs.
23.05.046 Groundwater Recharge	Requires groundwater recharge measures.
23.05.048 Standards	Sets grading, drainage, and erosion control standards.
23.05.050 Construction Procedures	New standard. Includes: • Limitation on grading hours • Dust control standards • Exportation and importation procedures • Evaluation for Naturally Occurring Asbestos • Encountering hydrocarbon-contaminated soils
23.05.052 Inspections	New standard. Identifies required inspections, as well as frequency of rainy season inspections.

Section	Description
23.05.054 Request for Relief from Ordinance Provisions	New standard. Allows the Planning Director to waive standards in limited circumstances where the ordinance standard is impractical, and the waiver will not diminish health and safety.
23.05.056 Enforcement and Interpretation	Provides enforcement provisions. Revised language allows for civil fines of up to $25,000 per violation, consistent with the Clean Water Act.
23.05.057 Education and Outreach	Encourages the County to develop an education and certification program for grading contractors (unfunded).
23.05.058 Fees	Identifies the process for setting grading permit fees.

Implementation – In order to implement the Coastal Zone Grading

- **Section 2:** Adds/modifies definitions in the Land Use Ordinance
- **Section 5:** Adds/modifies definitions in the Coastal Zone Land Use Ordinance.
- **Section 6:** Repeals and replaces the grading ordinance in the Coastal Zone Land Use Ordinance.
- **Section 7:** Modifies language in Title 19 (Building and Construction Code) that conflicts with grading ordinance language.

PART THREE: Modifications to Title 19 (Building and Construction Ordinance)

The Planning Commission makes a recommendation to the Board of Supervisors on any ordinances affecting Title 22 (Land Use Ordinance) and 23 (Coastal Zone Land Use Ordinance) of the County Code. Ordinarily, modifications to Title 19 of the County Code are not submitted to the Planning Commission for a recommendation prior to going to the Board of Supervisors. In the case of this ordinance package, there are modifications proposed to Title 19 that are directly related to modifications in Titles 22 and 23. In order to provide a complete project description, staff has included the following Title 19 amendments with this ordinance package:

- **Section 3:** The stormwater management requirements from Title 22 and 23 will be duplicated in Title 19 for an interim period. Coastal Commission action will be required before the Title 23 components will take effect. This measure is intended to create an enforceable stormwater management in the Coastal Zone while the Coastal Commission is processing the Title 23 amendments.

- **Section 7:** Certain provisions in Title 19 discuss grading permit exemptions and other grading standards. This language is in conflict with existing language in Title 22 and proposed language in Title 23. In order to harmonize the three ordinances and remove conflicts, updates will be required to Title 19.

DISCUSSION

Locations subject to the Stormwater Ordinance

The Stormwater Ordinance applies only to projects in designated Municipal Separate Storm Sewer System (MS4) areas. MS4 areas are determined based upon population density and other characteristics from the 2010 US Census. In general, areas that have an urbanized level of development (i.e. areas with municipal water service) are considered to fall under an MS4. Presently, MS4 areas in San Luis Obispo County include:

- All incorporated cities (*not subject to County ordinance*)
- All unincorporated communities designated with an Urban Reserve Line (URL) in the County General Plan.
- Some unincorporated villages designated with a Village Reserve Line (VRL) in the County General Plan.

Villages within MS4	Villages outside of MS4
Black Lake	Creston
Callender-Garrett	Oak Shores
Garden Farms	Pozo
Heritage Ranch	San Simeon
Los Berros	Whitley Gardens
Los Ranchos/Edna	
Palo Mesa	
Woodlands	

- Some rural areas adjacent to an urbanized community. These areas are shown shaded in the figures attached to the ordinance.

Figures in the attached ordinance are provided to illustrate areas subject to the stormwater management ordinance.

Implications of the Stormwater Ordinance

- *A Stormwater Control Plan (SWCP) is required.*

  Most projects in urbanized areas will need to do some level of site analysis in order to complete the SWCP application. In most cases, an engineer and geotechnical analysis would be needed. Based on the results, the project design may need to be altered in order to:
  - Accommodate appropriately sized stormwater control measures
  - Reduce the amount of impervious surfacing
  - Reduce the intensity of development or development footprint
  - Locate development on poorer soils while leaving permeable soils undeveloped
  - Retain natural hydrologic features (drainage swales, riparian vegetation, etc.)
  - Reduce or redirect runoff

- *The SWCP must demonstrate compliance with the RWQCB performance measures.*

  Stormwater must be handled using Low Impact Development techniques. Depending upon the amount of impervious surfacing proposed, various performance standards are triggered. The Runoff Retention standard, for example, would require storage and infiltration of a certain volume of stormwater. The SWCP will be reviewed and only approved when the plan can demonstrate compliance with the Post-Construction Requirements.

- *A maintenance agreement may be required.*

  If structural stormwater control measures are proposed, the applicant must enter into a maintenance agreement with the County, which will record on the property's title. The maintenance agreement obligates the owner to maintain SCMs in functioning order. Annual certification to the County would also be required. Certification may need to be completed by a qualified professional.

Options for Alternative Compliance

The Stormwater Management Ordinance will require that most projects accommodate stormwater management measure on the project site. This can be difficult to accomplish in certain circumstances, such as in the case of urban infill development. To address these, the RWQCB order allows several ways for alternative performance standards to be applied:

1. Technical Infeasibility. In some circumstances, a site cannot physically retain and percolate the required volume of stormwater. This could be due to high groundwater levels, poorly infiltrating soils, or other limiting factors. In these cases, the County may make a determination that application of the performance standards is technically infeasible.

   The criteria and process for determining technical infeasibility is still under development. Ideally, infeasibility would be something that could be identified early on in the design process when the geotechnical analysis is being conducted. The County is required to report on technical infeasibility determinations annually to the RWQCB. If a project is determined to be technically infeasible, the runoff retention performance standard is considered met when 10 percent of the site is dedicated to stormwater control measures.

2. Urban Sustainability Area (USA). The County may delineate a USA and submit this request to the RWQCB for review and approval. A USA must be an urban infill area meeting a designated level of density or intensity. The criteria have yet to be established, however the draft criteria proposed are:

   - Residential density of at least 30 units per acre.
   - Floor area ratio of at least 2:1
   - No surface parking.

   Based upon the draft criteria, it appears no unincorporated areas in San Luis Obispo County would qualify for USA designation.

3. Watershed or Regional Plan. The County may develop a watershed plan or regional plan for a specific area in the County and submit the plan to the RWQCB for review and approval. The plan would establish a program for off-site stormwater management, as long as it would be as effective, or more effective, than on-site stormwater management. Such a plan could be a precursor to establishing community stormwater facilities, particularly where on-site retention is not viable or desirable (e.g. within central business districts).

4. Special Circumstances. In some cases, a project's stormwater will discharge into a channelized stream, a community storm drain system, or some other specialized facility. In these cases, runoff retention and peak management performance standards may be modified.

Local Coastal Program Amendment

Stormwater management is a topic that falls under the realm of a Local Coastal Program (LCP). To amend an LCP, Coastal Commission approval is needed. A Major LCP Amendment can often take two years to go through the Coastal Commission review and approval process. Because of this, we do not anticipate the stormwater management standards identified in Section 4 to be in effect by the required deadline of September 6, 2013.

To avoid this issue, staff proposes to *duplicate* the stormwater management standards in Title 19, the Building and Construction Ordinance, which is not a part of the Local Coastal Program, but does apply Countywide. The ordinance would be written to sunset once the provisions in Section 4 (Coastal Zone Land Use Ordinance) take effect.

By doing this, we ensure that we have an enforceable ordinance in place both in the inland and coastal areas of the County, which would satisfy our obligation under the RWQCB. It also allows the LCP amendment process to move forward, which means the Coastal Commission still retains the authority to modify components of the ordinance that would affect the Coastal Zone.

GENERAL PLAN CONSIDERATIONS AND CONSISTENCY

The Conservation and Open Space Element contains a number of policies and implementing strategies that relate to Low Impact Development (LID) and stormwater management. A full discussion is provided in Exhibit E, attached. The following table summarizes applicable policies from the Conservation and Open Space Element:

Policy Number	Conservation and Open Space Element Policy
Policy BR 4.2	Minimize Impacts from Development
Policy BR 4.4	Vegetated Treatment Systems (Low Impact Development Techniques)
Policy SL 1.3	Minimize Erosion associated with New Development
Policy WR 2.1	Protect Watersheds and Aquifer Recharge Areas
Policy WR 3.1	Prevent Water Pollution
Policy WR 3.2	Protect Watersheds
Policy WR 4.7	Low Impact Development
Policy WR 6.3	Drainage Problems
Policy WR 6.4	Integrated Drainage Approach

ENVIRONMENTAL REVIEW

The Post Construction Requirements are expected to be adopted by the RWQCB based on a California Environmental Quality Act (CEQA) exemption in the Porter-Cologne Water Quality Control Act that is available to regional water board orders.

Sections 1 through 5 and 7 of this ordinance fall under a Class 8 Categorical Exemption from CEQA, which is available for policies intended for the protection of the environment. This ordinance is intended to implement NPDES provisions in this County. NPDES is a permitting program under the Clean Water Act, which is designed to reduce and eliminate discharge of pollutants to waters of the United States. Therefore, this is an appropriate application of a Class 8 exemption.

The Coastal Zone Grading Ordinance (Section 6) is consistent with a previously adopted Environmental Impact Report (EIR). The Grading and Stormwater Management EIR (State Clearinghouse Number 2009071013) was certified by the Board of Supervisors on April 13, 2010. The Environmental Impact Report included adoption of a revised Coastal Zone grading ordinance as part of the project description. A copy of the Final EIR for Grading and Stormwater Management is available on County Planning's website.

REFERRAL COMMENTS RECEIVED

Referrals to commenting agencies were distributed on May 14, 2013. If an extension from the September 6, 2013 deadline were to be approved by the RWQCB, we anticipate having additional time to solicit comments from the public prior to a Board of Supervisors hearing.

To date, only one response has been received:

RWQCB – Requested changes to the applicable areas shown in the Public Review Draft. These changes have been reflected in the Public Hearing Draft attached to this staff report. Figures are now included in the ordinance to show MS4 areas.

SUMMARY

To summarize, this ordinance package will accomplish the following:

- **Compliance with a State mandate.** The ordinance package before your Commission is needed in order to comply with a State mandate for construction phase and post-construction stormwater management.

- **Implementation of several General Plan policies.** The ordinance will implement several of the policies identified in the Conservation and Open Space Element that promote Low Impact Development.

- **Application of RWQCB Post Construction Requirements.** The ordinance package includes provisions to adopt post-construction requirements in both the inland and coastal portions of the County.

- **Update of the Coastal Zone grading ordinance.** This ordinance package will also update the Coastal Zone grading ordinance in order to include the same construction-phase stormwater management requirements that already exist in the inland ordinance.

- **Interim placement of RWQCB Post Construction Requirements in Title 19.** The Post Construction Requirements cannot be added to Title 23 of the County Code (Coastal Zone Land Use Ordinance) without amendment of the Local Coastal Program. To address this, the requirements will be placed in Title 19 (Building and Construction Ordinance) in the interim. The ordinance will include a provision to be removed from Title 19 once the Local Coastal Program Amendment is completed.

ATTACHMENTS

Exhibit A:	Findings
Exhibit B:	Public Hearing Draft – Ordinance
Exhibit C:	Stormwater Ordinance Referral Project Description
Exhibit D:	Draft Post Construction Requirements (PCRs) *Note:* an updated version of this Order will be posted on the RWQCB website around June 26, 2013.
Exhibit E:	Conservation and Open Space Element Policies
Exhibit F:	Board of Supervisors Resolution regarding the Coastal Zone Grading Ordinance
Exhibit G:	Acronyms
Exhibit H:	Letter from RWQCB regarding implementation of Post Construction Requirements

EXHIBIT A - FINDINGS

Environmental Determination

A. Sections 1 through 5 and 7 of this project qualify for a Class 8 Categorical Exemption pursuant to CEQA Guidelines Section 15308, because the project is an action undertaken by a regulatory agency to establish procedures for the protection of water quality.

B. Regarding Section 6 of this project, the Environmental Coordinator found that the previously certified Final Environmental Impact Report (FEIR) is adequate for the purposes of compliance with CEQA because no substantial changes are proposed in the project which will require major revision of the previously certified FEIR, no substantial changes occur with respect to the circumstance under which the project is undertaken which will require major revision of the previously certified FEIR, and no new information of substantial importance has been identified which was not known at the time that the previous FEIR was certified.

Amendment

C. The proposed amendments are consistent with the Land Use Element and other adopted elements of the general plan because the changes are consistent with the general goals of the Land Use Element and the Conservation and Open Space Element.

D. The proposed amendments are consistent with the guidelines for amendments to the Land Use Ordinance because the amendments ensure that development will be designed with maximum consideration of the hydrological characteristics of a site.

E. The proposed amendments will protect the public health, safety and welfare of the area residents by allowing for development that is compatible with the existing development of the surrounding area because the ordinance is designed to reduce or eliminate off-site drainage impacts resulting from introduction of impervious surfaces.

EXHIBIT B

Stormwater Ordinance

PUBLIC HEARING DRAFT

County File Number: LRP2012-00009

May 29,2013

ORDINANCE COMPONENTS

SECTION 1 Pages 1-20	**Replaces the existing stormwater ordinance in the inland area.** Repeal and replace Section 22.10.155 of the Land Use Ordinance.
SECTION 2 Page 21	**Definitions in the Land Use Ordinance** Add definitions to Section 22.80.030.
SECTION 3 Pages 21-22	**Adds the stormwater ordinance to the County Building Ordinance.** Add new Chapter 19.09 to the Building and Construction Ordinance Chapter 19.09 will sunset upon completion of the Local Coastal Program Amendment
SECTION 4 Pages 22-29	**Adds the stormwater ordinance to the Local Coastal Program.** Adds new Section 23.04.450 to the Coastal Zone Land Use Ordinance. *This section requires Coastal Commission approval before taking effect.*
SECTION 5 Pages 30-31	**Definitions in the Coastal Zone Land Use Ordinance** Add definitions to Section 23.11.030.
SECTION 6 Pages 31-100	**Repeals and replaces the Coastal Zone Grading Ordinance.** Replace Sections 23.05.020 through 23.05.059 with new Sections 23.05.020 through 23.05.059. *This section requires Coastal Commission approval before taking effect.*
SECTION 7 Pages 100-112	**Removes conflicting language from the County Building Ordinance.** Modify Section 19.03.010.e to defer to the grading ordinances in Titles 22 and 23 where conflicts exist.

SECTION 1: Repeal and replace Section 22.10.155 of the Land Use Ordinance.

22.10.155 – Stormwater Management

A. **Purpose.** The requirements in this Section are intended to reduce pollutant discharges to the Maximum Extent Practicable and to prevent stormwater discharges from causing or contributing to a violation of receiving water quality standards, also known as post-construction stormwater management. These requirements also emphasize protecting and, where degraded, restoring key watershed processes to create and sustain linkages between hydrology, channel geomorphology, and biological health necessary for healthy watersheds. Maintenance and restoration of watershed processes impacted by stormwater management is necessary to protect water quality and the beneficial uses of surface and groundwater.

B. **Applicability.**

1. **Where applicable.** The requirements of this section are applicable only where a project will drain to those areas designated by the State Water Resources Control Board (SWRCB) as traditional or non-traditional Municipal Separate Storm Sewer Systems (MS4s), as shown in Figures 10-5 through 10-13. MS4s consist of areas designated as "urbanized" in the most recent decennial US Census, as well as other outlying areas with a population of 10,000 or more or a population density greater than 1,000 people per square mile.

   Designated MS4 areas include, but are not limited to, the following:

   a. All areas within an Urban Reserve Line (URL), as designated in the County General Plan.

   b. All areas within the following Village Reserve Lines (VRLs), as designated in the County General Plan:

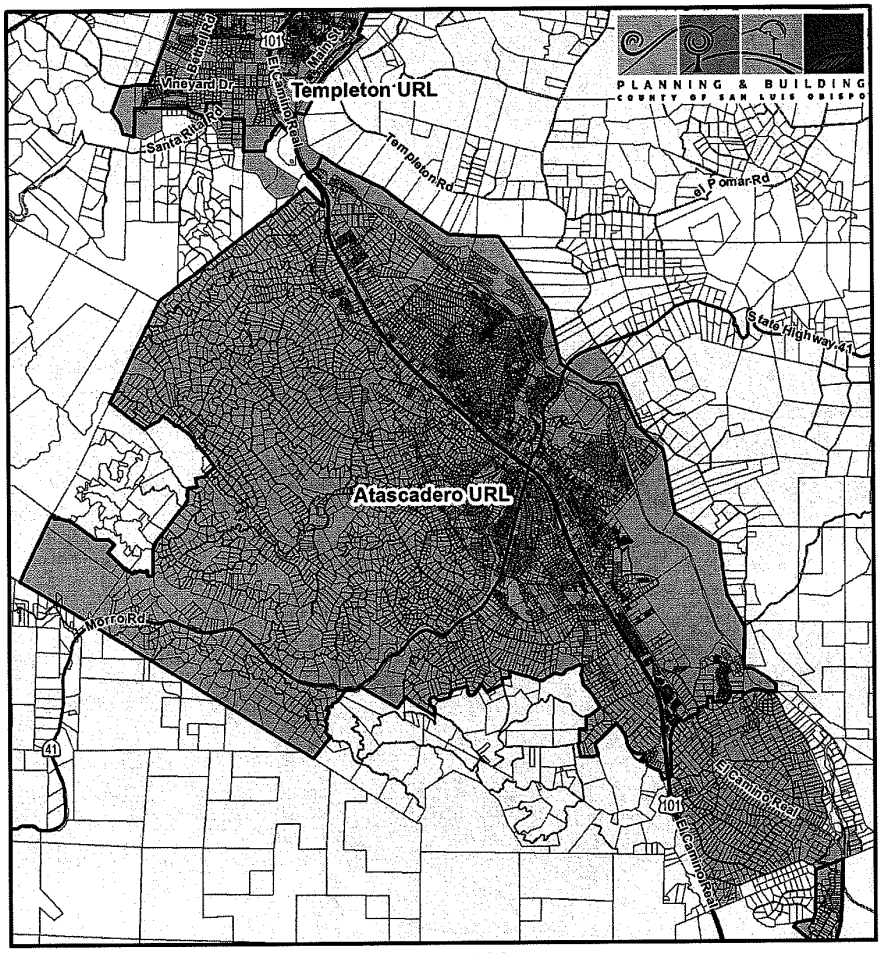
      (1) Black Lake Village
      (2) Callender-Garrett
      (3) Garden Farms
      (4) Heritage Ranch
      (5) Los Berros
      (6) Los Ranchos / Edna
      (7) Palo Mesa
      (8) Woodlands

   c. Any other areas identified as being subject to the stormwater standards, as indicated in Figures 10-5 through 10-13.

2. **Limited exemption.** Projects which have received approval of a discretionary land use permit or land division prior to September 6, 2012 are exempt from the standards of this Section, unless such approval has expired.

3. **Regulated Projects.** Regulated projects include all new development or redevelopment projects, both discretionary and ministerial, that create and/or replace at least 2,500 square feet of impervious surface (collectively over the entire project site).

FIGURE 10-5: Stormwater Management: Atascadero, Templeton, Garden Farms



Source: San Luis Obispo County Planning and Building Department, 2010 Census
Map created May 21, 2013

Legend

Urban/Village Reserve Line

Area Subject to Stormwater Standards

N W E S

0 0.75 1.5 3 Miles

FIGURE 10-6: Stormwater Management: Avila Beach and Pismo Beach

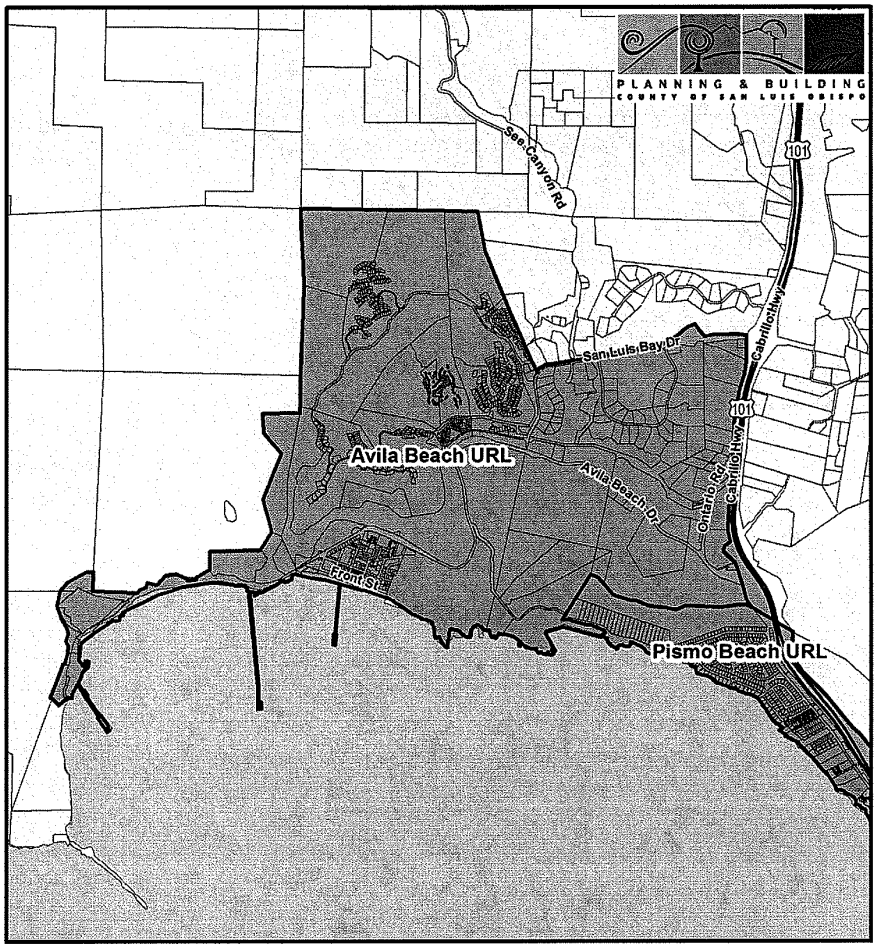
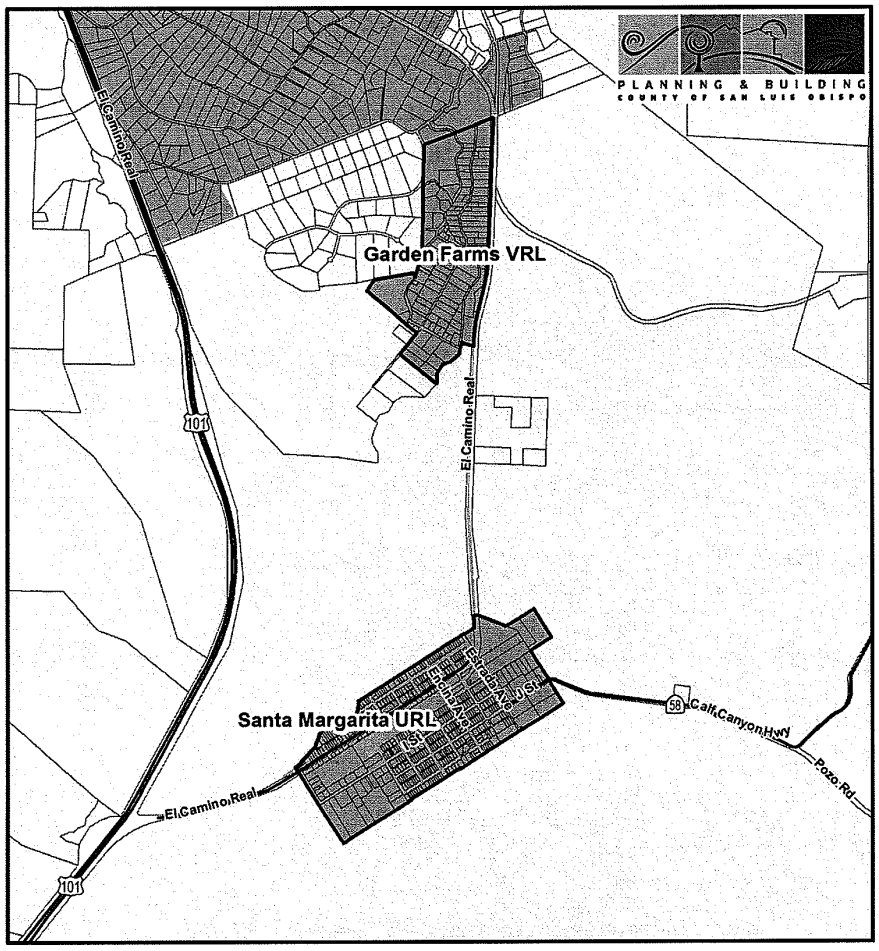


FIGURE 10-7: Stormwater Management: Garden Farms, Santa Margarita, South Atascadero



Source: San Luis Obispo County Planning and Building Department, 2010 Census
Map created May 21, 2013

N
W E
S

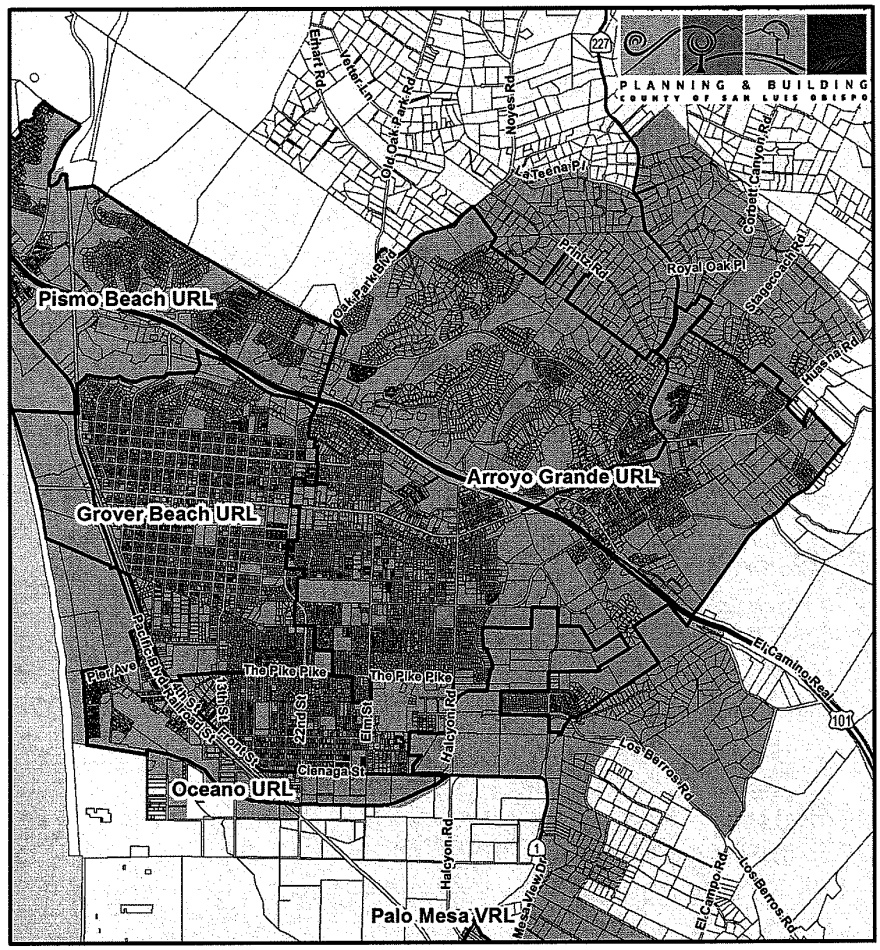
0 0.3 0.6 1.2 Miles

Legend

Urban/Village Reserve Line

Area Subject to Stormwater Standards

FIGURE 10-9: Stormwater Management: Five Cities Area



Source: San Luis Obispo County Planning and Building Department, 2010 Census
Map created May 21, 2013

N
W E
S

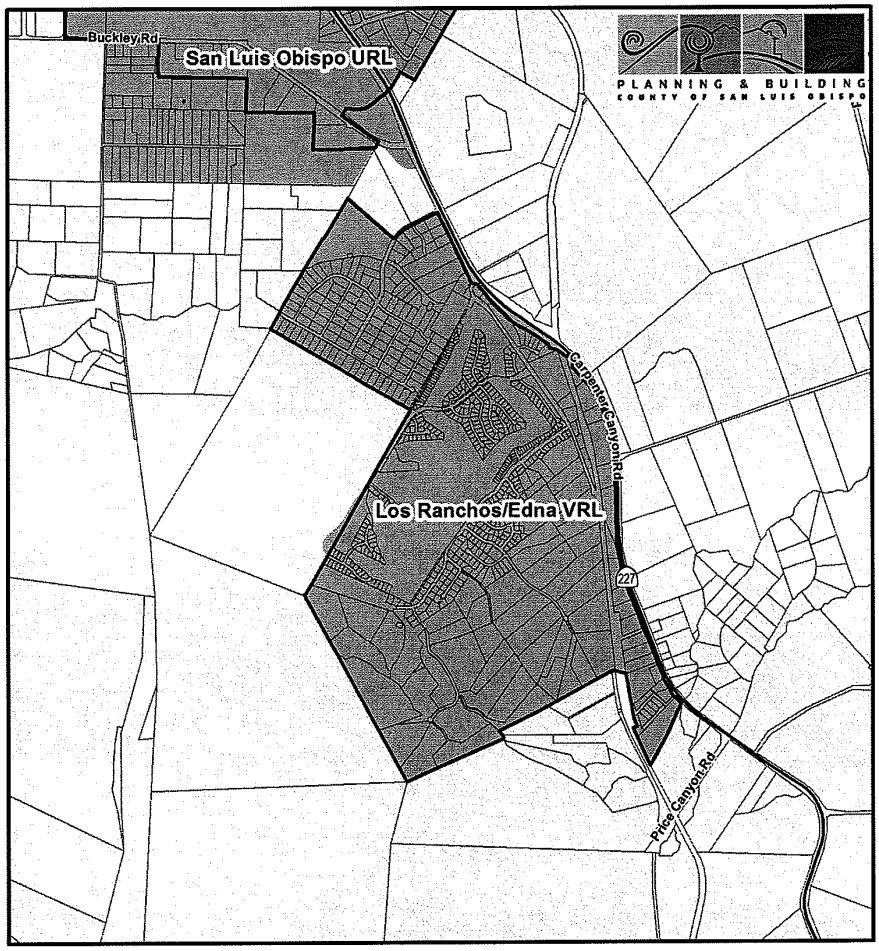
0 0.45 0.9 1.8 Miles

Legend

Urban/Village Reserve Line

Area Subject to Stormwater Standards

FIGURE 10-10: Stormwater Management: Los Ranchos / Edna, San Luis Obispo



Source: San Luis Obispo County Planning and Building Department, 2010 Census
Map created May 21, 2013

N
W E
S

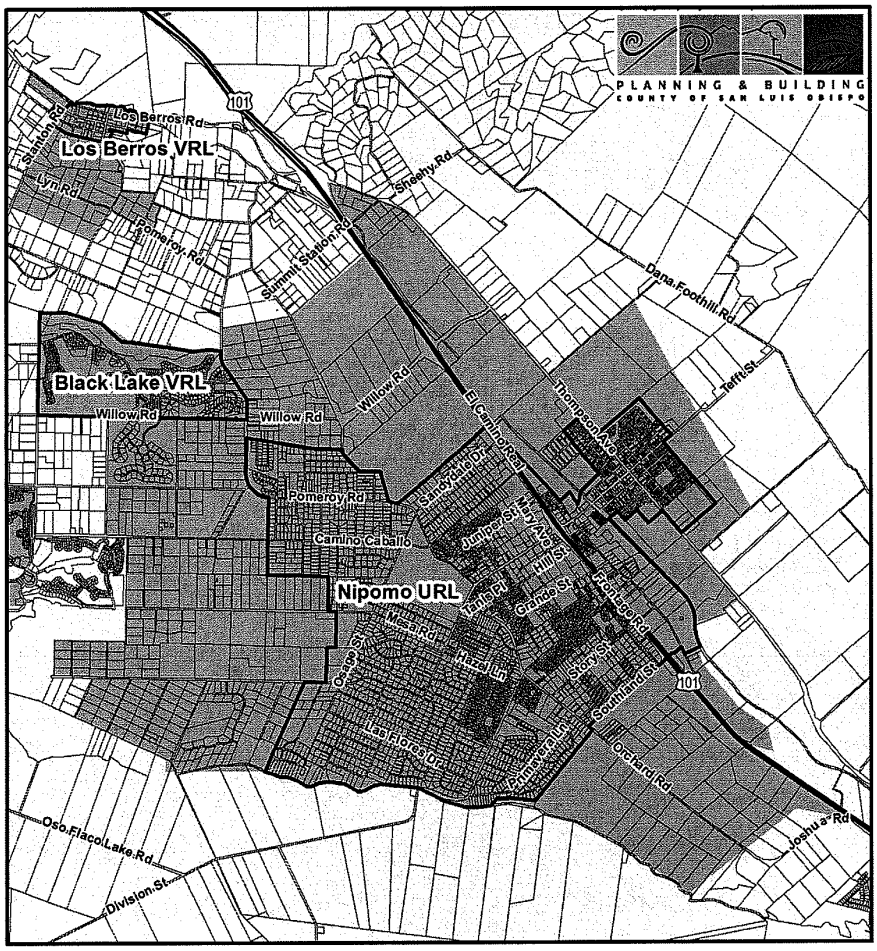
0 0.25 0.5 1 Miles

Legend

Urban/Village Reserve Line

Area Subject to Stormwater Standards

FIGURE 10-11: Stormwater Management: Nipomo, Black Lake, Los Berros



Source: San Luis Obispo County Planning and Building Department, 2010 Census
Map created May 21, 2013

FIGURE 10-12: Stormwater Management: Northern Nipomo Mesa

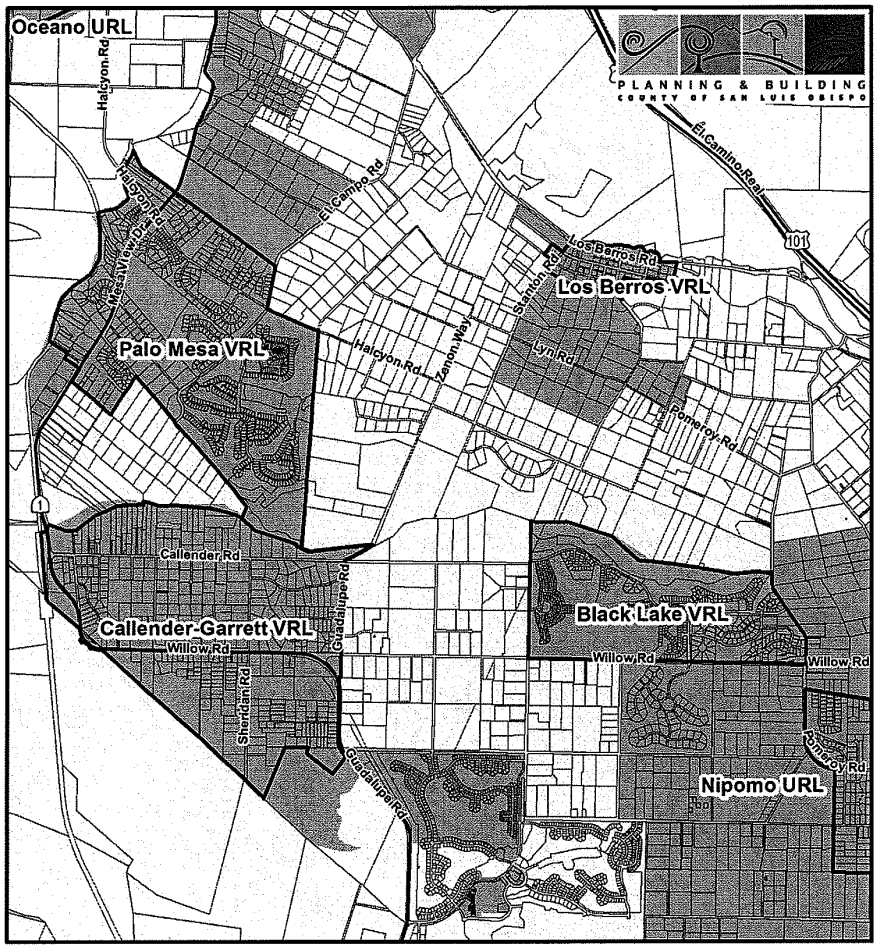


FIGURE 10-13: Stormwater Management: Paso Robles

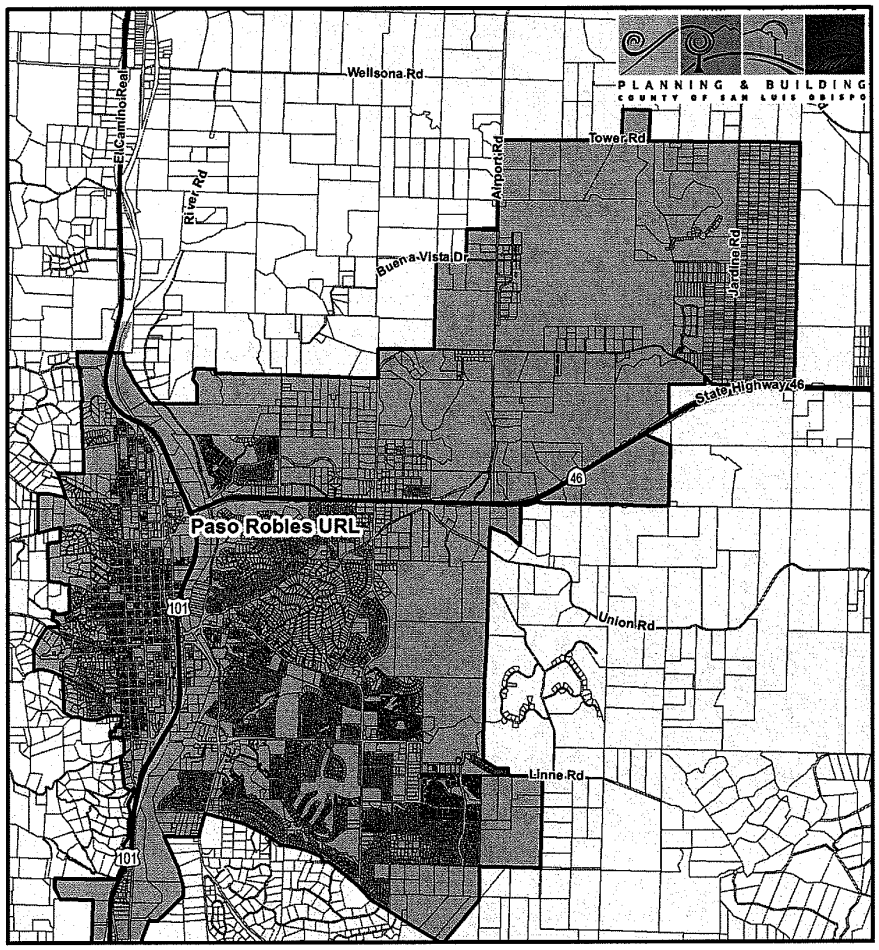


FIGURE 10-14: Stormwater Management: Pismo Beach

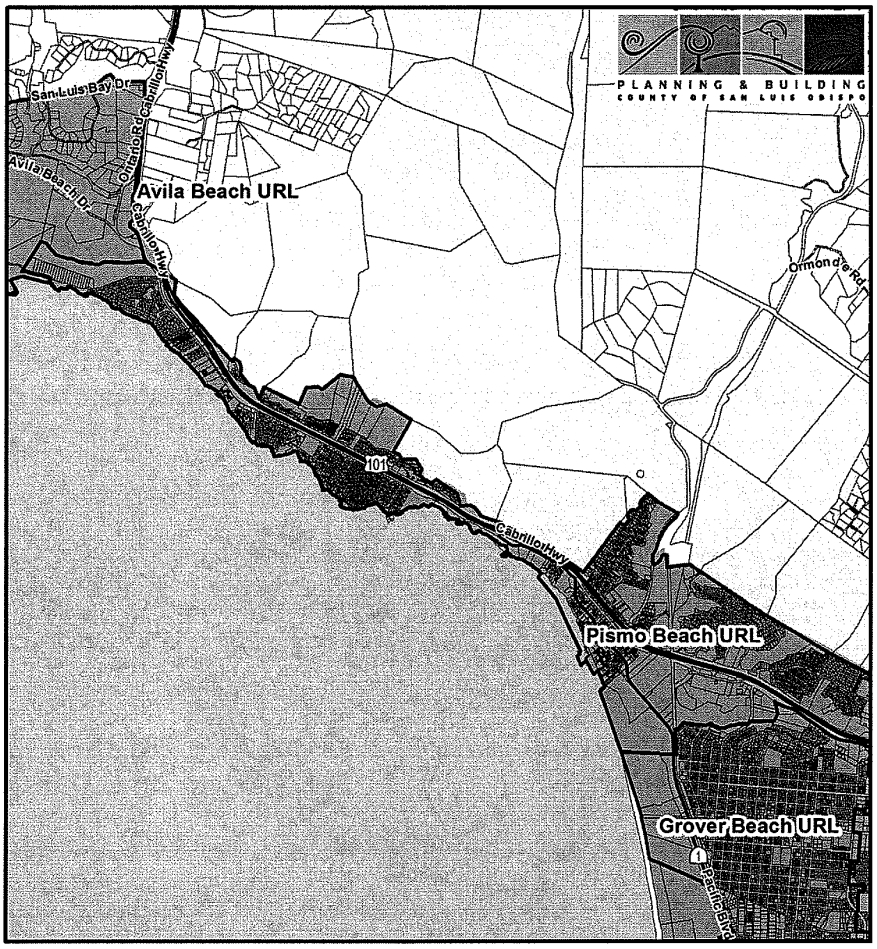
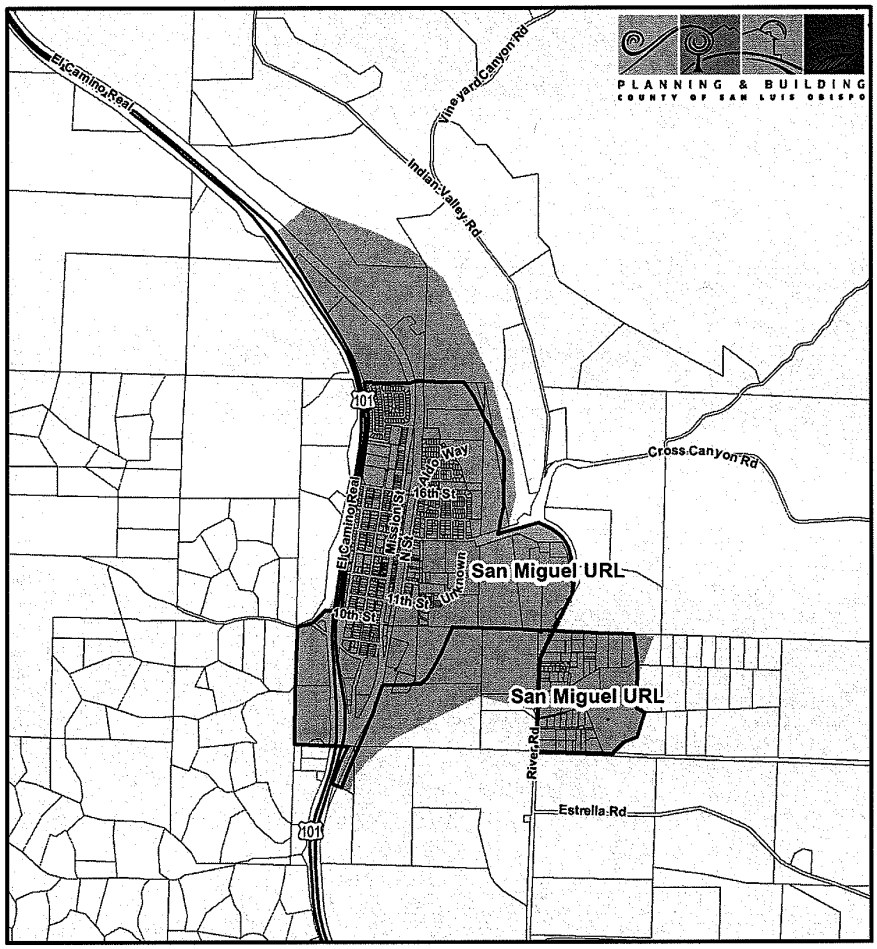


FIGURE 10-15: Stormwater Management: San Miguel



Source: San Luis Obispo County Planning and Building Department, 2010 Census
Map created May 21, 2013

N
W E
S

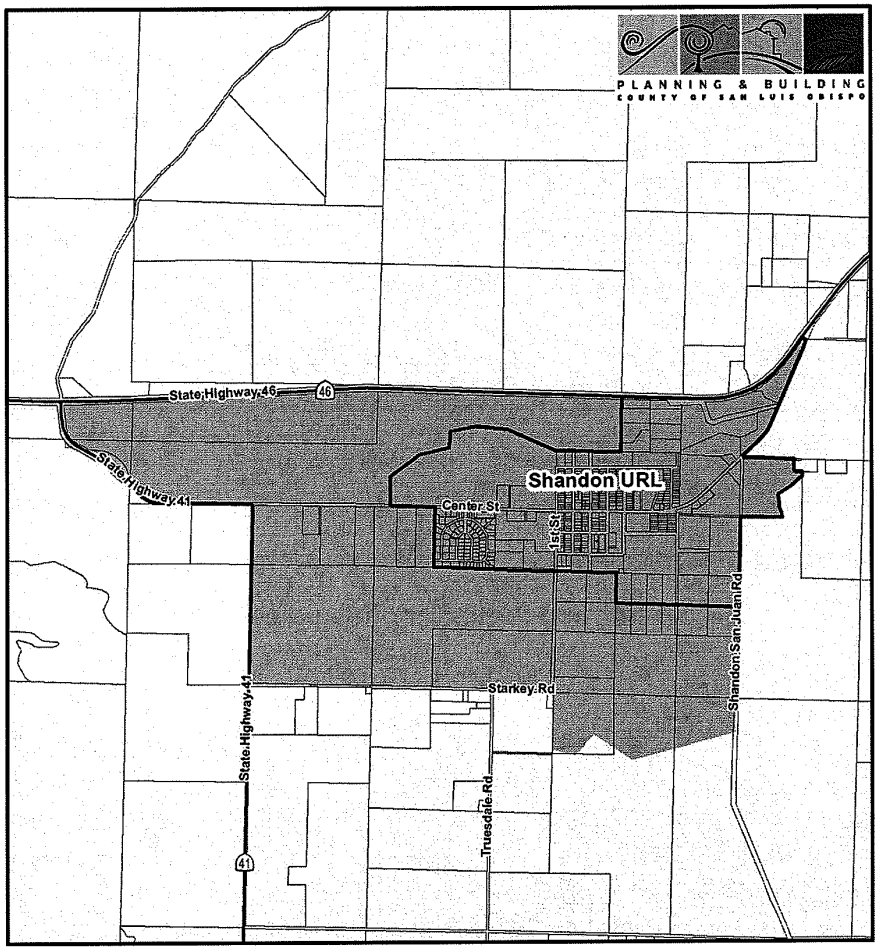
0 0.3 0.6 1.2 Miles

Legend

Urban/Village Reserve Line

Area Subject to Stormwater Standards

FIGURE 10-16: Stormwater Management: Shandon



Source: San Luis Obispo County Planning and Building Department, 2010 Census
Map created May 21, 2013

N
W E
S

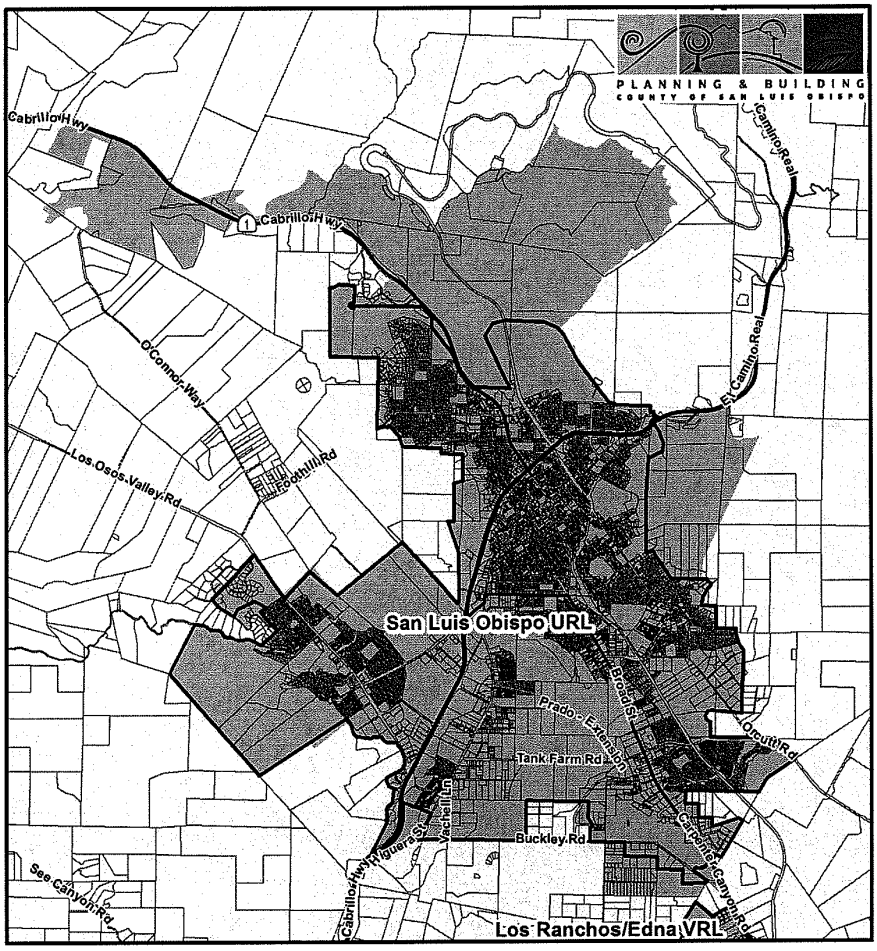
0 0.3 0.6 1.2 Miles

Legend

Urban/Village Reserve Line

Area Subject to Stormwater Standards

FIGURE 10-17: Stormwater Management: San Luis Obispo



Source: San Luis Obispo County Planning and Building Department, 2010 Census
Map created May 21, 2013

N
W E
S

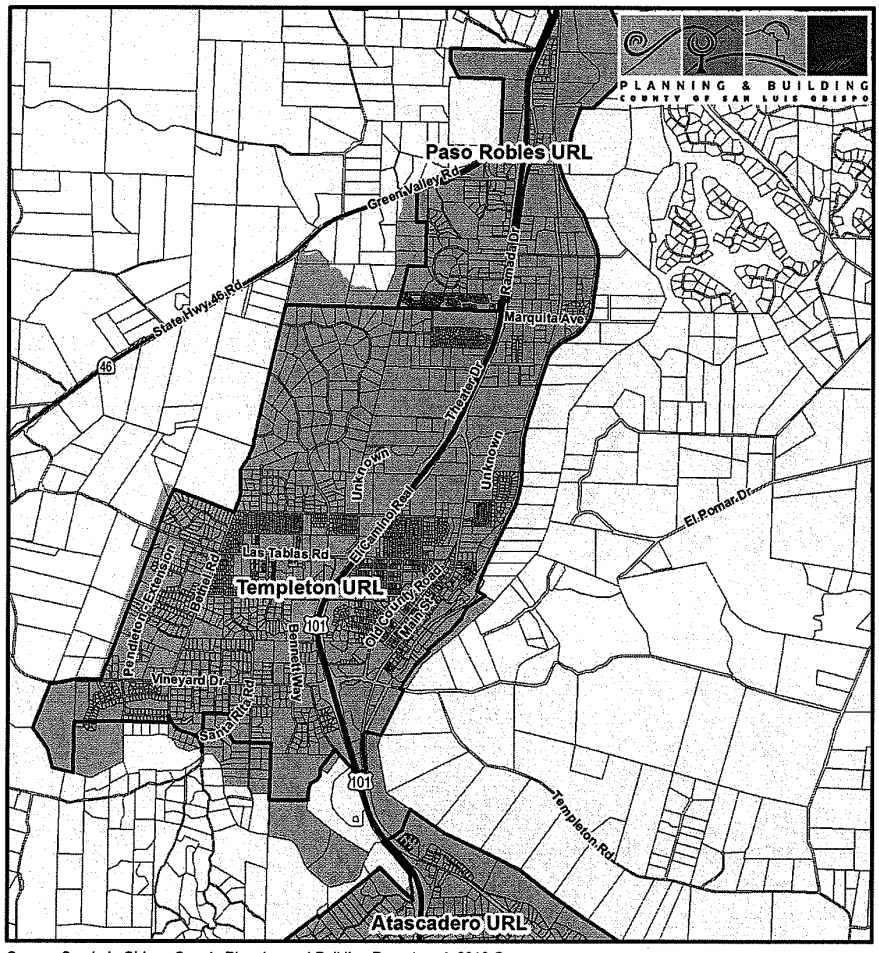
0 0.5 1 2 Miles

Legend

Urban/Village Reserve Line

Area Subject to Stormwater Standards

FIGURE 10-18: Stormwater Management: Templeton



Source: San Luis Obispo County Planning and Building Department, 2010 Census
Map created May 21, 2013

N
W E
S

0 0.45 0.9 1.8 Miles

Legend

Urban/Village Reserve Line

Area Subject to Stormwater Standards

C. **Stormwater Control Plan (SWCP) Required.** Prior to acceptance of an application for a construction permit, grading permit, land use permit or subdivision application associated with a Regulated Project, as defined in Subsection A.3, the applicant shall submit a Stormwater Control Plan that demonstrates compliance with the Post Construction Requirements for the Central Coast Region, adopted by the Central Coast Regional Water Quality Control Board under Order R3-2013-0032.

1. **Site Design Checklist.** The SWCP for all projects subject to this Section shall demonstrate that the following design strategies have been pursued in order to reduce runoff:

   a. Limit disturbance of creeks and natural drainage features.

   b. Minimize compaction of highly permeable soils.

   c. Limit clearing and grading of native vegetation at the site to the minimum area needed to build the project, allow access, and provide fire protection.

   d. Minimize impervious surfaces by concentrating improvements on the least-sensitive portions of the site, while leaving the remaining land in natural, undisturbed state.

   e. Implement at least one of the following strategies:

      (1) Direct roof runoff into cisterns, rain barrels, underground storage, or a similar mechanism for reuse.

      (2) Direct roof runoff onto vegetated areas safely away from building foundations and footings, consistent with the California Building Code.

      (3) Direct roof runoff from sidewalks, walkways, and/or patios onto vegetated areas safely away from building foundations and footings, consistent with the California Building Code.

      (4) Direct runoff from driveways and/or uncovered parking lots onto vegetated areas safely away from building foundations and footings, consistent with the California Building Code and Title 19 of the County Code.

      (5) Construct bike lanes, driveways, uncovered parking lots, sidewalks, walkways, and patios with permeable surfaces.

2. **Plan documents and details.** The SWCP for all Regulated Projects, as defined in Subsection A.3, shall provide the following documents and details:

   a. Project name, application number, location, and assessor's parcel number.

   b. Name of the applicant.

   c. Identification of which project phase, if the project is being constructed in phases.

d. Project type (e.g. commercial, industrial, multi-unit residential, mixed use, public) and description.

e. Total project site area.

f. Total new impervious surface area, total replaced impervious surface area, total new pervious area, and calculation of Net Impervious Area.

g. Identification of all structural and non-structural Best Management Practices (BMPs) proposed as part of the stormwater conveyance system.

h. A certification from a qualified professional (e.g. a Registered Civil Engineer, licensed architect, or other individual deemed to be qualified by the Director) that appropriate Best Management Practices (BMPs) have been incorporated into the plan to the maximum extent practicable.

i. A preliminary drainage plan, consistent with of Section 22.52.110.

j. A preliminary erosion and sedimentation control plan, consistent with Section 22.52.120.

k. If needed to demonstrate compliance with the stormwater quality standards in Subsection D, drainage calculations prepared by a Registered Civil Engineer.

D. **Stormwater Quality Standards.** Stormwater Control Plans shall be reviewed for consistency with the post-construction stormwater control standards identified in Central Coast Regional Water Quality Control Board Order R3-2013-0032, or subsequent amendments thereto. Standards contained in this order include, but are not limited to, the following:

1. **Site Design.** All Regulated Projects, as defined in Subsection A.3, are subject to this standard.

2. **Water Quality Treatment.** All projects resulting in at least 5,000 square feet of net impervious area, other than single-family residences, shall comply with this standard. Single-family residence projects shall comply with this standard if they involve at least 15,000 square feet of impervious area.

3. **Runoff Retention.** All projects resulting in at least 15,000 square feet of net impervious area shall comply with this standard.

4. **Peak Management.** All projects resulting in at least 22,500 square feet of net impervious area shall comply with this standard.

5. **Special Circumstances.** Projects subject to the performance standards identified in Subsection D.3 and D.4, but discharging to watercourses with special circumstances.

E. **Source Control Standards for Specific Uses.** The Stormwater Control Plan must address source control of any applicable pollutants associated with the proposed use that could enter the stormwater conveyance system. The following source control Best Management Practices (BMPs) are required for projects that propose any of the following features:

1. **Outdoor material storage.** Where proposed projects include outdoor storage areas for storage of materials that may contribute pollutants to the stormwater conveyance system, the following structural or treatment BMPs are required:

   a. Materials with the potential to contaminate stormwater must be:

      (1) Placed in an enclosure such as, but not limited to, a cabinet, shed, or similar structure that prevents contact with runoff or spillage to the stormwater system; or

      (2) Protected by secondary containment structures, such as berms, dikes, or curbs.

   b. The material storage area shall be sufficiently impervious to contain leaks and spills.

   c. Where secondary containment is necessary, storage areas shall have a roof or awning to minimize collection of stormwater, or another approved method.

   d. For storage areas involving the storage of motor vehicles, site design shall comply with Subsection E.7.

2. **Loading and unloading dock areas.** To minimize the potential for material spills to be transported to the stormwater conveyance system, the following is required:

   a. Loading dock areas shall be covered, or drainage shall be designed to minimize run-on or runoff of stormwater; and

   b. Connections to storm drains from depressed loading docks (truck wells) are prohibited. An approved structural source control measure and/or treatment control measure shall be used to prevent stormwater pollution.

3. **Repair and maintenance bays.** To minimize the potential for oil/grease, car battery acid, coolant, and gasoline to be transported to the stormwater conveyance system, design plans for repair/maintenance bays shall include the following:

   a. Repair/maintenance bays shall be indoors or designed in such a way that does not allow stormwater run-on or runoff; and

   b. The drainage system for the repair/maintenance bays shall be designed to capture all washwater, leaks, and spills. Drains shall be connected to a sump for collection and disposal. Direct connection to the storm drain system is prohibited. If required by the Regional Water Quality Control Board, an Industrial Waste Discharge Permit shall be obtained.

4. **Vehicle and equipment wash areas.** To minimize the potential for metals, oil/grease, solvents, phosphates, and suspended solids to be transported to the stormwater conveyance system, the area for washing/steam cleaning of vehicles and equipment shall be designed to the following specifications:

a. Self-contained and/or covered, equipped with a clarifier, or other pre-treatment facility; and

b. Properly connected to a sanitary sewer or other appropriately permitted disposal facility.

5. **Restaurants.** An area for washing/steam cleaning of equipment and accessories shall be included on the plans. To minimize the potential for metals, oil and grease, solvents, phosphates, and suspended solids to be transported to the stormwater conveyance system, the area for washing/steam cleaning of equipment and accessories shall be designed to the following specifications:

a. Self-contained, equipped with a grease trap, and properly connected to the sanitary sewer; and

b. If the wash area is to be located outdoors, it must be covered, paved, have secondary containment, and be connected to the sanitary sewer or other appropriately permitted disposal facility.

6. **Fueling areas.** To minimize the potential for oil/grease, solvents, car battery acid, coolant, and gasoline to be transported to the stormwater conveyance system, the project plans shall include all of the following BMPs:

a. The fuel dispensing area shall be covered with an overhanging roof structure or canopy. Provide containment limits on the plans (i.e. grade break, berm, etc.). The canopy's minimum dimensions shall be equal to or greater than the containment limits. The canopy shall not drain onto the fuel dispensing area, and the canopy downspouts shall be routed to prevent drainage across the fueling area.

b. The fuel dispensing area must be paved with Portland cement concrete (or equivalent smooth impervious surface), and the use of asphalt concrete shall be prohibited.

c. The fuel dispensing area must have a two percent minimum slope to prevent ponding, and must be separated from the rest of the site by a grade break that prevents run-on of stormwater to the maximum extent practicable.

d. At a minimum, the concrete fuel dispensing area must extend 6.5 feet from the corner of each fuel dispenser, or the length at which the hose and nozzle assembly may be operated plus 1 foot, whichever is less.

7. **Parking lots.** Parking lots with an area of 5,000 square feet or more, or 25 parking spaces or more, shall minimize potential for oil, grease, and other water insoluble hydrocarbons from vehicle drippings and leaks from entering the stormwater conveyance system. Plans shall provide for the following:

a. Treat to remove oil and petroleum hydrocarbons; and

b. Ensure adequate operation and maintenance of treatment systems, particularly sludge and oil removal and system fouling and plugging prevention control. At a

minimum, this shall include a maintenance program which is funded and carried out by the property owner.

F. **Maintenance.** Long-term maintenance of BMPs shall be established through the recordation of a maintenance agreement and/or Covenants, Conditions, and Restriction (CC&Rs), unless the project does not include structural or treatment control BMPs. This agreement shall be recorded prior to or concurrent with issuance of a construction permit. In order to verify that BMPs will be maintained, the agreement shall do the following:

1. **Designate responsibility.** Identify the party who is responsible for long-term maintenance of structural and treatment control BMPs.

2. **Address transfer of responsibility.** Address how BMPs will be maintained once property has been transferred to private landowners, a homeowners association, or a public entity.

3. **Reference educational materials.** Educational materials shall be required to accompany the first deed transfer. These materials shall provide information on what stormwater management facilities are present, signs that maintenance is needed, how the necessary maintenance can be performed, and assistance that the applicant can provide to the new landowner. The transfer of this information shall also be required with any subsequent sale of the property.

4. **Address operations and maintenance reporting.** Address how and when long-term operations and maintenance will be verified and reported to the County.

G. **Alternative Compliance.** The alternative compliance process specified in Central Coast Regional Water Quality Control Board Order R3-2013-0032 may be followed at the discretion of the Director. Such a process may be available in the following circumstances:

1. **Special Circumstances.** Where the project discharges to receiving waters with special circumstances (e.g. highly altered channels, intermediate flow control facilities, and historic lakes and wetlands). In these cases, projects may follow the performance standard identified in Subsection D.5 rather than the performance standards in Subsections D.3 and D.4.

2. **Technical infeasibility.** Where technical infeasibility limits or prevents the use of structural stormwater control measures.

3. **Approved watershed or regional plan.** Where the project falls under a watershed or regional plan that has received approval from the Executive Director of the Central Coast Regional Water Quality Control Board.

4. **Approved urban sustainability area.** Urban infill redevelopment projects located within an Urban Sustainability Area that has been approved by the Executive Director of the Central Coast Regional Water Quality Control Board.

5. **Other circumstances.** In other circumstances as approved by the Executive Director of the Central Coast Regional Water Quality Control Board.

SECTION 2: Modify definitions in Section 22.80.030 of the Land Use Ordinance.

Add the following definitions:

Maximum Extent Practicable (MEP). A standard for water quality Best Management Practices (BMPs) established as part of the National Pollutant Discharge Elimination System (NPDES) that requires consideration of technical feasibility, cost, and benefit derived. The burden of proof is on an applicant to demonstrate compliance with MEP by showing that a BMP is not technically feasible or that BMP costs would exceed any benefit to be derived.

Net impervious area. The total post-project impervious surface area (including both new and replacement surface area), minus any reduction in total imperviousness from the pre-project to the post-project condition.

Net Impervious Area = (New and Replaced Impervious Area) – (Reduced Impervious Area Credit), where *Reduced Impervious Area Credit* is the total pre-project to post-project reduction in impervious area, if any.

Delete the following definitions:

Regulated Development

Redevelopment

Modify the following definitions:

Stormwater Quality Plan (SWQP) to be renamed as **Stormwater Control Plan (SWCP)**

SECTION 3: Add new Chapter 19.09 to the Building and Construction Ordinance.

Chapter 19.09 Stormwater Management

Section 19.09.010 – **Stormwater Management.**

Language is identical to the language in Section 1, with the following change:

Figures 4-A through 4-G in Section 3 (Coastal Zone) are added to Figures 10-4 through 10-13 and renumbered accordingly.

Section 19.09.020 – **Definitions.**

The following terms are defined for the purpose of this Chapter:

Net impervious area. The total post-project impervious surface area (including both new and replacement surface area), minus any reduction in total imperviousness from the pre-project to the post-project condition.

Net Impervious Area = (New and Replaced Impervious Area) – (Reduced Impervious Area Credit), where *Reduced Impervious Area Credit* is the total pre-project to post-project reduction in impervious area, if any.

SECTION 4: Add a new Section 23.05.450 to the Coastal Zone Land Use Ordinance

NOTE: The Local Coastal Program must be amended before Section 3 will take effect.

23.05.450 – Stormwater Management

Language is identical to the language specified in Section 1 with the following changes:

Subsection B.1 is replaced as follows:

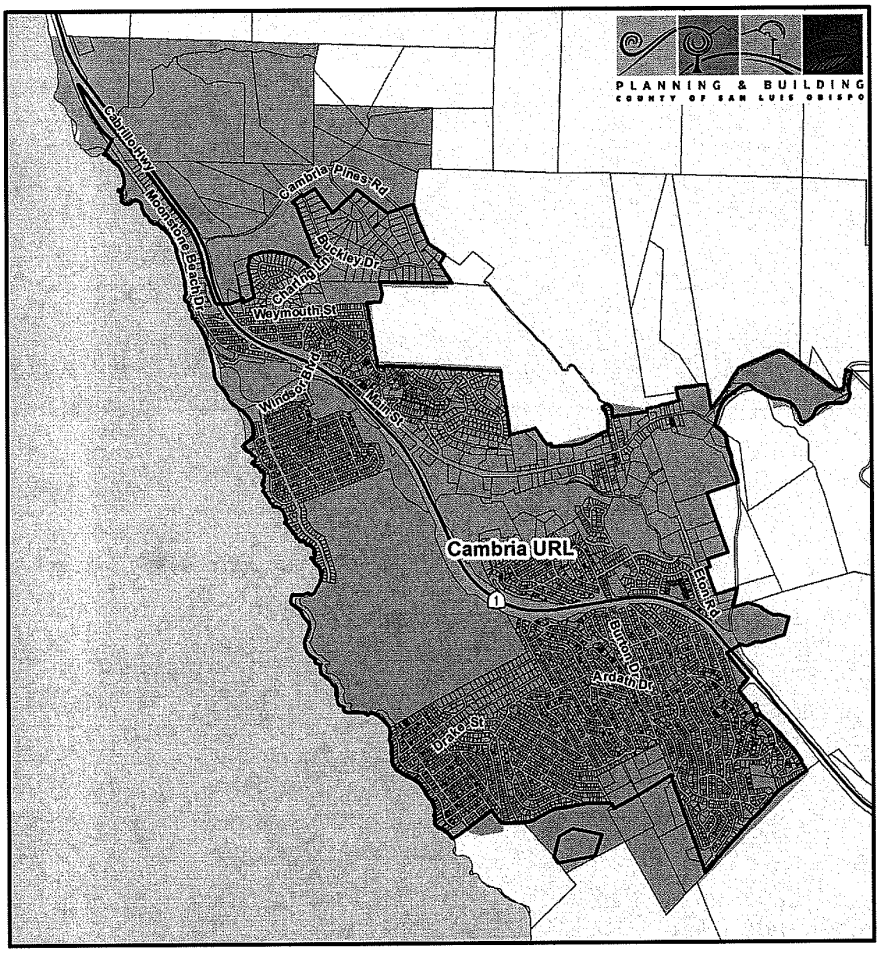
1. **Where applicable.** The requirements of this section are applicable only where a project will drain to those areas designated by the State Water Resources Control Board (SWRCB) as traditional or non-traditional Municipal Separate Storm Sewer Systems (MS4s), as shown in Figures 4-A through 4-G. MS4s consist of areas designated as "urbanized" in the most recent decennial US Census, as well as other outlying areas with a population of 10,000 or more or a population density greater than 1,000 people per square mile.

   Designated MS4 areas include, but are not limited to, the following:

   a. All areas within an Urban Reserve Line (URL) or the Callender-Garrett Village Reserve Line (VRL), as designated in the County General Plan.

   b. Any other areas identified as being subject to the stormwater standards, as indicated in Figures 4-A through 4-G.

Figure 4-A: Stormwater Management – Cambria



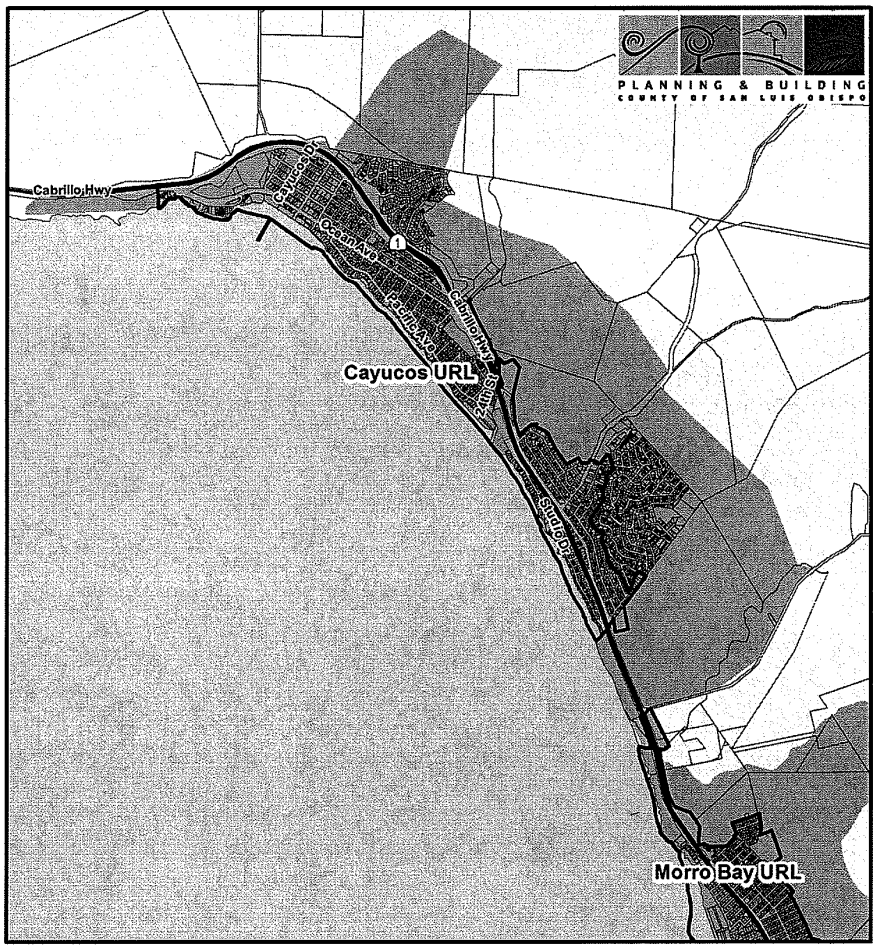
Source: San Luis Obispo County Planning and Building Department, 2010 Census
Map created May 21, 2013

Legend

Urban/Village Reserve Line

Area Subject to Stormwater Standards

Figure 4-B: Stormwater Management – Cayucos



Source: San Luis Obispo County Planning and Building Department, 2010 Census
Map created May 21, 2013

N
W E
S

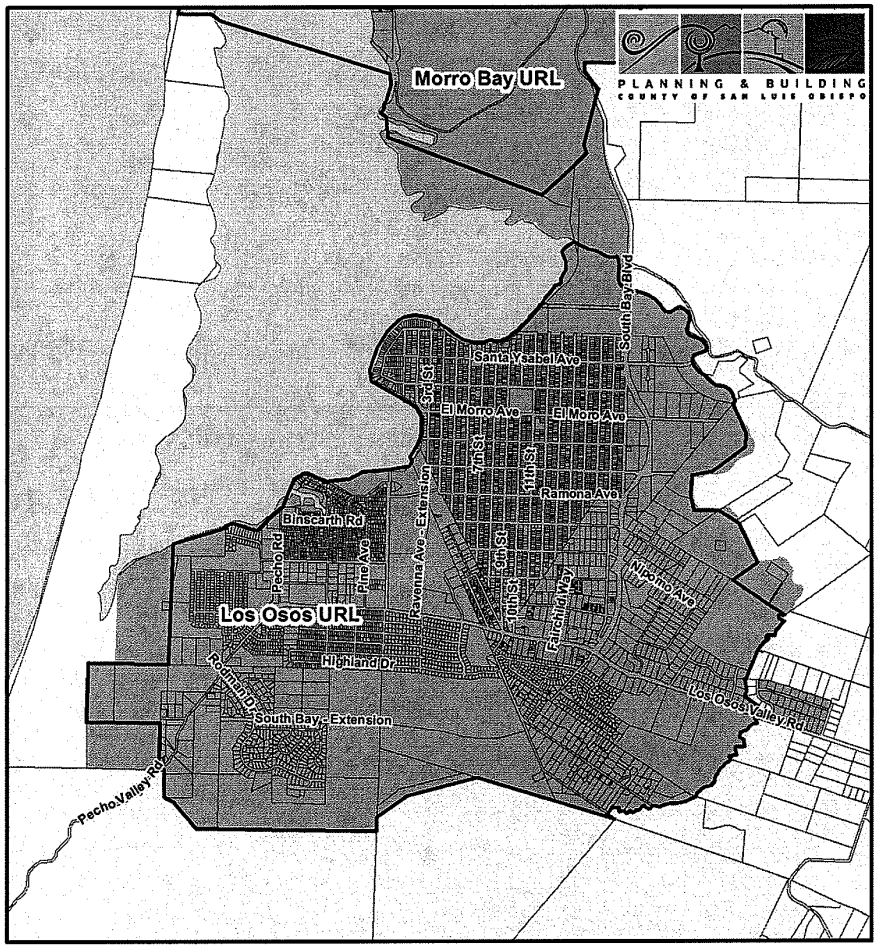
0 0.3 0.6 1.2 Miles

Legend

Urban/Village Reserve Line

Area Subject to Stormwater Standards

Figure 4-C: Stormwater Management – Los Osos



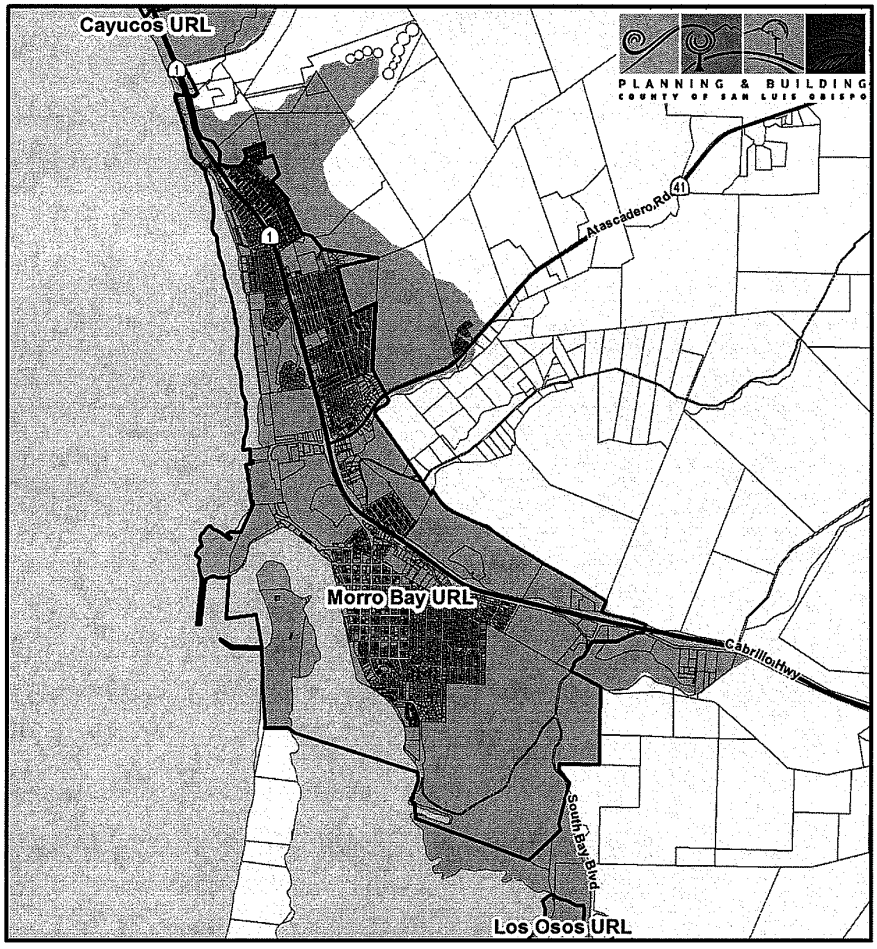
Source: San Luis Obispo County Planning and Building Department, 2010 Census
Map created May 21, 2013

Legend

Urban/Village Reserve Line

Area Subject to Stormwater Standards

Figure 4-D: Stormwater Management – Morro Bay



Source: San Luis Obispo County Planning and Building Department, 2010 Census
Map created May 21, 2013

N
W E
S

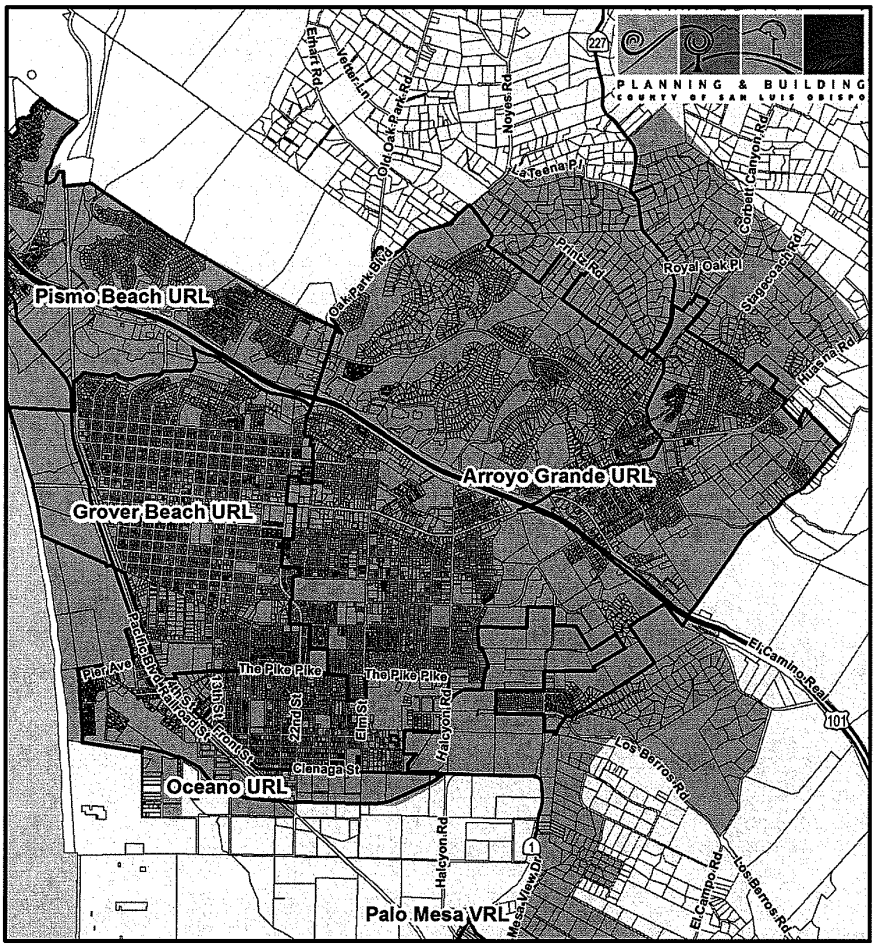
0 0.5 1 2 Miles

Legend

Urban/Village Reserve Line

Area Subject to Stormwater Standards

Figure 4-E: Stormwater Management – Oceano



Source: San Luis Obispo County Planning and Building Department, 2010 Census
Map created May 21, 2013

N
W E
S

0 0.45 0.9 1.8 Miles

Legend

Urban/Village Reserve Line

Area Subject to Stormwater Standards

Figure 4-F: Stormwater Management – Avila Beach

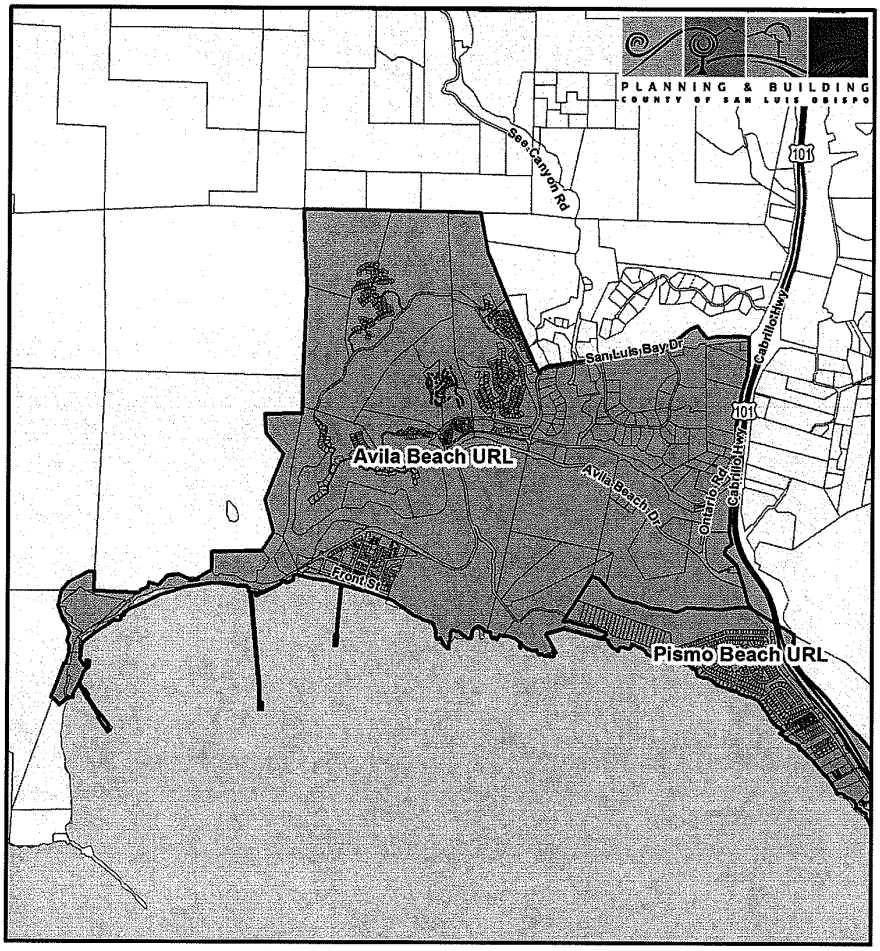
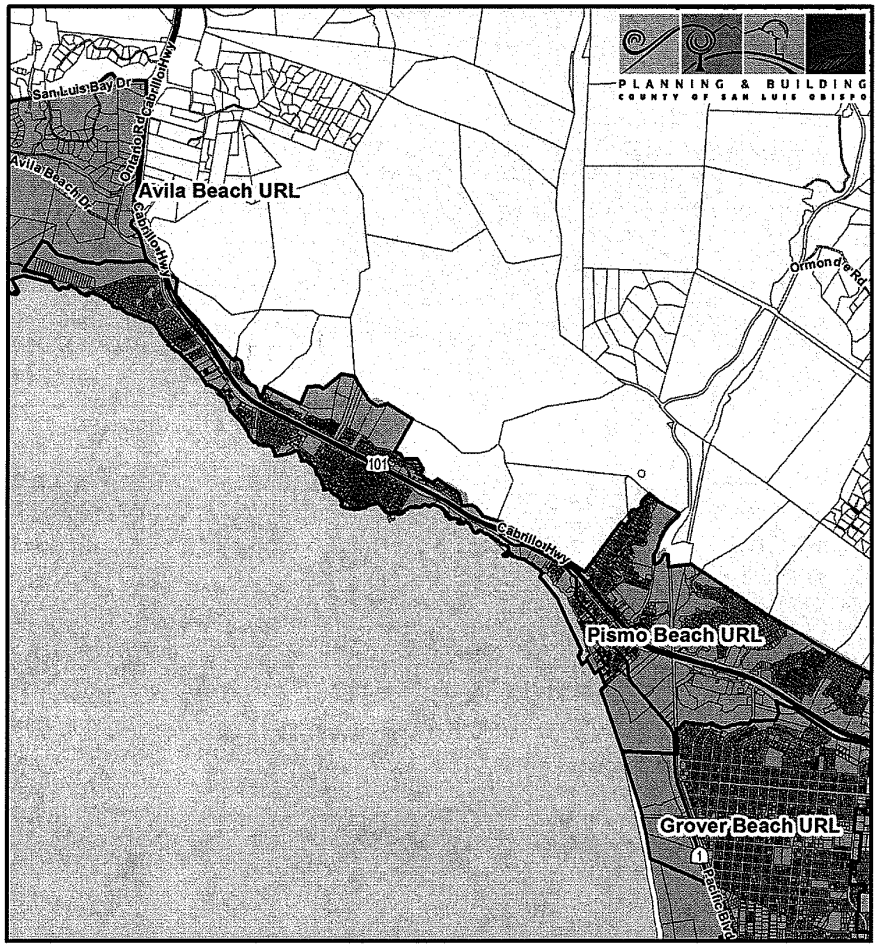


Figure 4-G: Stormwater Management – Pismo Beach



Source: San Luis Obispo County Planning and Building Department, 2010 Census
Map created May 21, 2013

N
W E
S

0 0.5 1 2 Miles

Legend

Urban/Village Reserve Line

Area Subject to Stormwater Standards

SECTION 5: Add definitions to Section 23.11.030 of the Coastal Zone Land Use Ordinance.

NOTE: The Local Coastal Program must be amended before Section 7 will take effect.

Best Management Practices (BMPs). Best management practices means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce stormwater pollutions. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Excavation. Any activity by which earth, sand, gravel, rock or any other similar material is dug into, cut quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the conditions resulting thereof. Excavation excludes cultivation activities, including disking, harrowing, raking or chiseling, planting, plowing, seeding, or other tilling.

Impervious. A surface that is incapable of being penetrated or passed through.

Low Impact Development (LID) Handbook. The County of San Luis Obispo Low Impact Development Handbook, which has been adopted by resolution of the Board of Supervisors after a duly noticed public hearing. Until such a time as the LID Handbook is adopted, the reference manual(s) identified by the Director of Planning and Building may be used to guide Low Impact Development design.

Maximum Extent Practicable (MEP). A standard for water quality Best Management Practices (BMPs) established as part of the National Pollutant Discharge Elimination System (NPDES) that requires consideration of technical feasibility, cost, and benefit derived. The burden of proof is on an applicant to demonstrate compliance with MEP by showing that a BMP is not technically feasible or that BMP costs would exceed any benefit to be derived.

Municipal Separate Storm Sewer System (MS4). See "stormwater conveyance system."

Native Vegetation. Plants such as trees, shrubs, herbs, and grasses that grew naturally in San Luis Obispo County before European arrival; plants from other parts of the United States or from other countries are not considered native.

Net impervious area. The total post-project impervious surface area (including both new and replacement surface area), minus any reduction in total imperviousness from the pre-project to the post-project condition.

> *Net Impervious Area = (New and Replaced Impervious Area) – (Reduced Impervious Area Credit)*, where *Reduced Impervious Area Credit* is the total pre-project to post-project reduction in impervious area, if any.

Permit, General Construction. The National Pollutant Discharge Elimination System (NPDES) General Permit (No. CAS000002) issued by the State Water Resources Control Board, including subsequent amendments or modifications.

Permit Holder. The landowner and/or responsible party acting on behalf of the landowner.

Rangeland Management. Any modifications to the land designed to improve forage for domesticated livestock.

Site Disturbance. Any activity that involves clearing, grubbing, grading, or disturbances to the ground such as stockpiling or excavation

Stormwater Conveyance System. A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that are:

1. Owned and operated by the County of San Luis Obispo;
2. Designed or used for collecting or conveying storm water;
3. Not a combined sewer; and
4. Not part of a Publicly Owned Treatment Works (POTW) as defined by 40 Code of Federal Regulations §122.2.

Storm Event. A rainfall event that produces more than 0.1 inch of precipitation and which is separated from the previous storm event by at least 72 hours of dry weather.

SECTION 6: Repeal and replace Sections 23.05.020 et seq. with new Sections 23.05.020 et seq.

NOTE: The Local Coastal Program must be amended before Section 4 will take effect.

23.05.020 - Purpose and Intent

Sections 23.05.020 through 23.05.058 shall hereafter be referred to as the Grading Ordinance. The purpose of the Grading Ordinance is to establish standards to safeguard the public health, safety and general welfare; minimize erosion and sedimentation; minimize fugitive dust emissions; prevent the loss of agricultural soils; reduce the harmful effects of stormwater runoff; encourage groundwater recharge; protect fish and wildlife; reduce hazards to life and property; reduce drainage problems from new development; enhance slope stability; protect natural, scenic, and cultural resources; prevent environmental damage to public and private property; and to otherwise protect the natural environment. The Grading Ordinance addresses compliance with the National Pollutant Discharge Elimination System (NPDES) Phase II stormwater regulations and sets forth local stormwater requirements, to avoid pollution of watercourses with sediments or other pollutants generated on or caused by surface runoff on or across construction sites.

23.05.022 - Responsibility of the Landowner

Each landowner has the responsibility or duty before, during, and after construction or site disturbance activities, to ensure compliance with this code. The landowner also has a responsibility to ensure compliance with local, state, and federal permitting requirements. No approval shall exonerate the landowner or his agent(s) from the responsibility of complying with the provisions and intent of the Grading Ordinance and other state or federal requirements.

23.05.024 - Scope

The Grading Ordinance sets forth standards, including the incorporation of Best Management Practices (BMPs), to control all grading, excavations, and earthwork. The Grading Ordinance also provides for the approval of plans and inspection of grading construction and BMPs. In the event of any conflict between the provisions of the Grading Ordinance and state law, the more restrictive requirement shall apply. Agricultural grading, whether exempt or required to be permitted by the Grading Ordinance, may be exempted from NPDES Phase II requirements, pursuant to Section 23.05.044.b(3).

No work subject to the provisions of the Grading Ordinance shall be commenced, maintained or completed in violation of these regulations.

23.05.026 - Administrative Procedures

All grading activities shall be in compliance with the provisions of 1997 Uniform Building Code Appendix Chapter 33, the currently adopted California Building Code, and adopted Appendices, which are hereby adopted and incorporated into this Title by reference as though they were fully set forth herein. In the event of any conflict between the provisions of the Grading Ordinance and the Uniform Building Code or California Building Code, this Title shall apply.

23.05.028 - Grading Permit Required

Where not otherwise exempt by Section 23.05.032 (Exemptions from Grading Permits), a grading permit shall be obtained where grading is to occur meeting the definition set forth in Section 23.05.030 (Grading). A separate permit shall be required for each site and shall cover both excavations and fills. Contiguous sites being graded as one integrated project may be considered one site, as deemed appropriate by the Director, in order to enforce the requirements of the Grading Ordinance.

Even those activities that do not constitute grading as defined in the Grading Ordinance, or are exempt from grading permits, may be subject to other applicable sections in this ordinance. This includes requirements, such as preparation and approval of an erosion and sedimentation control plan, drainage plan, and/or stormwater pollution prevention plan.

In granting any permit in compliance with the Grading Ordinance, the Director and, where provided, the Public Works Director, may impose conditions as necessary. These conditions may include requiring a licensed contractor to perform the work or a licensed professional (e.g. civil engineer, geotechnical engineer, etc.) to prepare plans or technical reports in order to prevent creation of a nuisance or a hazard to public health, public safety, or public or private property, or to assure conformity to the County General Plan.

23.05.030 - Grading

a. **Grading.** For the purposes of the Grading Ordinance, "grading" is defined as all earthwork, which may involve one or more of the following activities: excavations, cuts, fills, dams, reservoirs, levees, impoundments, diking, dredging, borrow pits, stockpiling, compaction of fill, or removal of vegetation. Cultivation activities, including disking, harrowing, raking or chiseling, planting, plowing, seeding, or other tilling are not considered grading and are not regulated under this ordinance. A grading permit is required unless the project qualifies for an exemption or constitutes agricultural grading as set forth in Section 23.05.032.

b. **Additional permitting requirements.** Grading may require a land use permit or variance under the following circumstances:

(1) **Site disturbance.** For projects subject to Chapter 23.03, grading may require land use permit approval based upon the amount of site disturbance. The land use permit thresholds are established in Section 23.03.042 (Table 3-A).

(2) **Slopes.** Grading shall be limited to slopes of less than 20 percent, except where any of the following occur:

(i) **Grading adjustment.** Grading on slopes between 20 percent and 30 percent may occur by Minor Use Permit or Development Plan approval, subject to the following:

(a) The applicable review body has considered the specific characteristics of the site and surrounding area, including: the proximity of nearby streams or wetlands, erosion potential, slope stability, amount of grading necessary, neighborhood drainage characteristics, and measures proposed by the applicant to reduce potential erosion and sedimentation;

(b) Grading and erosion control plans have been prepared by a registered civil engineer and accompany the request to allow the grading adjustment;

(c) It has been demonstrated that the proposed grading is sensitive to the natural landform of the site and surrounding area;

(d) It has been found that there is no feasible method of establishing an allowable use on the site without grading on slopes between 20 and 30 percent.

(ii) **Variance.** The applicant has obtained Variance approval pursuant to Section 23.01.045 to allow grading on slopes of 30 percent or greater; or

(iii) **Agricultural use.** The grading is exclusively for one or more of the following agricultural uses:

(a) An exempt agricultural accessory structure as defined in Section 19.02.020.c.14 of the Building and Construction Ordinance (amending Section 105.2 of the California Building Code);

(b) Crop production or grazing.

(c) Any agricultural roads used exclusively for the purposes set forth in Subsections b(2)(iii)(a) and b(2)(iii)(b).

While Subsection b(2)(iii) exempts the above agricultural uses from the 30 percent slope limitation, this Subsection shall not be construed to exempt any uses from the requirement of obtaining a grading permit.

c. **Grading adjacent to Environmentally Sensitive Habitats.** Grading shall not occur within 100 feet of any Environmentally Sensitive Habitat except:

(1) Where a setback adjustment has been granted as set forth in Sections 23.07.172.d(2) (Wetlands) or 23.07.174.d(2) (Streams and Riparian Vegetation) of this title; or

(2) Within an urban service line when grading is necessary to locate a principally permitted use and where the approval body can find that the application of the 100-foot setback would render the site physically unsuitable for a principally permitted use. In such cases, the 100-foot setback shall only be reduced to a point where the principally-permitted use, as modified as much as practical from a design standpoint, can be located on the site. In no case shall grading occur closer than 50 feet from the Environmentally Sensitive Habitat or as allowed by planning area standard, whichever is greater.

d. **Coastal Development Permit.** Where a grading permit application proposes a project that is not otherwise subject to land use permit requirements of Chapters 23.03 or 23.08 or other applicable sections of this Title, grading permit approval certifies that the proposed project will satisfy applicable provisions of this Title and thereby constitutes approval of a Coastal Development Permit. Where a grading permit is appealable to the Coastal Commission pursuant to Section 23.01.043, Minor Use Permit approval is also required as set forth in Section 23.02.033.

23.05.032 - Exemptions from Grading Permits

Note: While the activities under this section are exempted from a grading permit for the purposes of this County's ordinance, they are not exempted from coastal development permit requirements. In addition, the owner and/or applicant should understand that permits may be required by other regulatory agencies, including, but not limited to, the California Department of Fish and Game, Regional Water Quality Control Board, Army Corps of Engineers, U.S. Fish and Wildlife Service, or the California Department of Forestry (Cal Fire). Additionally, grading projects involving work within a state or County right-of-way may require encroachment permit approval.

a. Minimum requirements to determine exempt status. The following considerations must be addressed in determining if grading activities qualify for an exemption:

(1) Grading activities are not exempt within a geologic study area and/or flood hazard combining designations as shown in the Land Use Element. Agricultural grading as provided by Subsections b and c, and geotechnical/geologic exploration activities are not subject to this limitation

(2) Grading activities shall receive all necessary approvals from other County, state, or federal agencies, regardless of whether the activity is exempt under the Grading Ordinance.

(3) Activities exempted under this section are still required to incorporate all reasonable measures to ensure against erosion and sedimentation both during and after such activities. In all cases, any grading activities which could result in a hazardous condition are not exempt from grading permit requirements. A hazardous condition exists when activities create a hazard to life and limb, endanger property, adversely affect the safety, use or stability of a public right-of-way or drainage channel, or create a significant environmental impact.

(4) Grading activities are not exempt for any site work occurring within 100 feet of Environmentally Sensitive Habitat Areas or within in any area designated as appealable pursuant to Section 23.01.043, except under any of the following circumstances:

(i) A prior land use permit and coastal development permit have been issued for the proposed activity and are still valid; or

(i) The activity is not considered development under Section 23.03.040.a.

(5) Grading activities are not exempt from grading permit requirements under Subsections b and c in the coastal zone, except under the following circumstances:

(i) A prior coastal development permit has been issued for the proposed activity; or

(ii) The activity is not considered development under Section 23.03.040.a.

b. Exempt grading. The following grading does not require a grading permit if it meets the minimum requirements of Section 23.05.032.a. Exempt grading activities must employ appropriate sedimentation and erosion control measures:

(1) Projects involving minimal site disturbance. Small projects which adhere to *all* of the following limitations:

(i) No more than 50 cubic yards. The amount of material, measured cumulatively (adding together all proposed earthwork) for any of the activities described in Section 23.05.030.a is less than or equal to 50 cubic yards.

(iii) Removal of vegetation. No more than one-half acre of vegetation removal would occur.

Vegetation removal is calculated based on the total area of a site which will lack soil cover (i.e. "bare soil") at any given time. Areas subject to previous vegetation removal are not included in this calculation where permanent revegetation with native plants has already achieved a minimum of 70 percent coverage.

Note: The grading thresholds specified in Subsections b(1)(i) and b(1)(ii) above are to be measured cumulatively for each project. A project may not be broken down into smaller components with the intention of avoiding a grading permit. Activities progressing towards a common endeavor are considered a single project.

(2) Excavations below finish grade. The excavation of materials below finished grade for tanks, vaults, basements, retaining walls, swimming pools, or footings of a building or structure, where such excavations are authorized under the provisions of a valid building permit. This does not exempt any fill made with the material from the excavation.

(3) Cemeteries. Cemetery graves, excavation, or fill within a property used or to be used for cemetery purposes is exempt. Grading that is intended to support structures or that will affect natural drainage patterns does not fall under this exemption.

(4) Flood control maintenance. Maintenance and construction work within the prescribed easements of the San Luis Obispo County Flood Control and Water Conservation District as long as width, height, length or capacity is not increased.

(5) Public work projects. Public works projects constructed by the County or its contractors, including those activities as provided by Section 23.03.040.d(8).

(6) Refuse disposal. Refuse disposal sites approved by the County Health Department under the authority of Public Resources Code Sections 40000 et seq.

(7) **Surface mining.** Surface mining operations approved in compliance with Sections 23.08.170 et seq. (Surface Mining). Commercial mines which are planned for conversion to on-site only use shall require reclamation in accordance with the approved reclamation plan. Continuing non-commercial operation after reclamation shall require that a grading permit be obtained.

(8) **Conservation, restoration, and enhancement projects.** A soil, water, and/or wildlife conservation or enhancement project for which a California Department of Fish and Game Alteration Agreement and/or Army Corps of Engineers permit has been secured and which has a design prepared or approved by, and is inspected and certified by a Resource Conservation District, the U.S. Natural Resources Conservation Service or the State of California, Department of Water Resources, or the Central Coast Regional Water Quality Control Board.

(9) **Vegetation clearance for fire safety.** Clearing of vegetation, (not to include tree removal or removal of vegetation and wildlife protected by County, state, or federal statutes as rare, threatened or endangered) in compliance with CalFire recommendations for fuel reduction or firebreaks for forestry or fire protection purposes. Tree removal is governed by Sections 23.05.060 et seq. Refer to Section 23.03.042 (Table 3-A), if applicable, for specific land use permit requirements which apply to vegetation removal. Best management practices must be applied to avoid erosion and sedimentation.

(10) **Improvement plans.** Construction of, or excavations or fills for roads, drainage, and utilities associated with improvement plans for final subdivision maps or public projects within the County-maintained road right-of-way approved by the County Public Works Department, if consistent with the standards, guidelines and provisions identified in the Grading Ordinance.

(11) **Exploratory excavations and public utility connections.** The following exploratory excavations or fills where the natural slope of the site does not exceed 20 percent and where effective erosion and sedimentation control measures are used in compliance with Section 23.05.042 to protect, restore, and revegetate all disturbed areas with native plants within 45 days after the completion of work or before October 15. This 45 day period may be extended where work is completed earlier in the year and an extension is necessary for rainfall to assist onsite revegetation. In order to qualify for this exemption, the proposed grading shall comply with the following, as applicable:

(i) Excavation or fill shall not result in impacts to archaeological resources or the removal of trees or native riparian or wetland vegetation, or rare, threatened or endangered species. After consultation with the Environmental Coordinator, on-site monitoring may be required. This exemption shall not apply within an archaeologically sensitive area as shown in the Land Use Element.

(ii) Excavations for wells and water pipeline maintenance (not to include grading for road work), disturbing an area that does not exceed an aggregate area of 1,000 square feet or exceed a total grading amount (cut plus fill) of 50 cubic yards.

(iii) Excavation for temporary holes or trenches for geological, geotechnical and archaeological exploration, (not to include construction or modification of required access roads) performed under the direction and supervision of a soil engineer, engineering geologist or (where applicable) an archaeologist. The work shall not affect or disturb areas greater than 3,000 square feet in size, shall not cumulatively involve more than 50 cubic yards of material associated with preparing the site for exploration, and shall be protected as required by occupational safety and health agency standards.

(iv) Excavations for the installation, testing, maintenance, or replacement of distribution or service facilities for utilities regulated by the California Public Utilities Commission, including electrical, water, or natural gas lines (not to include construction or modification of required access roads).

(v) Excavation and fill of trenches for utility lines not exceeding 24 inches in width or an average of five feet in depth, or holes for utility poles or anchors and limited accessory grading.

(vi) Initial excavation and fill necessary to effect such temporary repair or maintenance of oil, gas and utility lines as can be completed within seven days of commencement where such combined excavation and fill does not exceed a total of 100 cubic yards of material.

(vii) This exemption shall not apply to the extension of water or sewage service outside of an urban services line, as shown in the Land Use Element.

(12) **Agricultural cultivation.** Agricultural cultivation activities including preparation of land for cultivation, other than grading for roadwork or pads for structures.

(13) **Routine maintenance.** Routine maintenance of legally established existing (exempt or previously permitted) roads; man-made, engineered flood control channels or levees; agricultural ponds and reservoirs; agricultural drainage channels; agricultural water lines; equestrian facilities (e.g. paddocks and arenas); and public utility lines (as provided by Subsection b(11)); where the width, length, or design capacity is not increased. Material may be imported under this exemption when used for routine maintenance purposes only.

(14) **Agricultural water supplies.** Installation of water pipelines, wells, or spring boxes solely to serve agricultural uses. Water supplies shall be installed under proper practices recognized by the Natural Resources Conservation Service and may include the importation of materials solely for installation of the water supply system, but not including any new roadwork.

23.05.036 - Review, Approval and Permits

a. **Timing and restrictions of approval.** Grading permits are subject to the following timing requirements and restrictions:

(1) A grading permit shall not be approved before:

(i) Application for a construction permit, if the grading is proposed for creation of or access to a building site.

(ii) Approval of a land use permit, land division, or General Plan amendment, if such approvals are required for completion of any project located on the same site; all required appeal periods shall have expired.

(iii) Approval of any required permits from state or federal agencies.

(2) Permits cannot be issued until the determination of adequate water and/or sewage disposal, fire safety plan, or other required site investigations are made, land disturbance shall be limited to the extent necessary to allow such an investigation, consistent with Section 23.05.032.b(11)(iii).

(3) This Subsection shall not apply to subdivision improvements or road construction required as a condition of approval of a land division.

b. **Modifications to approved grading plans.** Any alternatives or modifications to approved plans shall be approved by the Director or, where applicable, the Public Works Director. The issuance of a permit in compliance with the Grading Ordinance shall constitute an authorization to do only the work that is described or illustrated by the grading plans, erosion and sedimentation control plans, specifications approved by the Director or drainage plans approved by the Public Works Director.

c. **Special Circumstances.**

(1) **Correction to hazardous condition.** Whenever the Director determines that any existing excavation, constructed embankment or fill on land subject to County regulations has become a hazard to life and limb, endangers property, adversely affects the safety, use or stability of a public right-of-way or drainage channel, or creates a significant environmental impact, the Director shall notify the owner of the property, or other person or agent in control of the property. Corrections, remedies, and repairs made necessary by a hazardous situation may be made as required before permits are applied for or issued, at the discretion of the Director and pursuant to the procedures for emergency permitting as set forth in Section 23.03.045. Upon receipt of written notice from the Director, the owner or agent shall within the period specified therein:

(i) Correct, repair or eliminate the condition; and

(ii) Comply with the requirements of this Code, which may entail preparation of a grading plan, erosion and sedimentation control plan, Stormwater Pollution Prevention Plan, and obtaining any necessary permits, including emergency permits.

(2) **Emergency work.** Section 23.03.045 establishes the procedures for issuance of emergency permits in situations that constitute an emergency. Corrections, remedies and repairs made necessary by an emergency situation involving the sudden, unexpected occurrence of a break, rupture, flooding or breach of an existing facility which presents an immediate threat to life, health or property, may be made as required before the grading permits are applied for or issued in compliance with the standards in Section 23.03.045. For the purposes of the Grading Ordinance, a threat to property may include potential damage to agricultural crops. Written notification and a description of the work shall be submitted to the Director as provided by Section 23.03.045. Permits for emergency work shall be applied for within 15 days of commencement of work. This shall include emergency work done under the Emergency Watershed Protection Program in cooperation with the USDA Natural Resources Conservation Service and the Resource Conservation Districts.

(3) **Unpermitted (as-built) grading.** If grading operations are commenced before first securing a proper grading permit, no permit will be issued until all illegal grading has been stopped, except to restore the site to its original condition or to correct hazardous conditions to the satisfaction of the Director. Once the site is deemed safe, the owner shall obtain proper permits to rectify the code enforcement violation within a reasonable time as determined by code enforcement. If activities were exempt under Section 23.05.032, but failed to adhere to specified requirements for exemption, such as erosion and sedimentation control practices, these activities shall be considered unpermitted grading. Unpermitted grading is also subject to the following:

(i) All unpermitted grading, which is not exempt under Section 23.03.032, shall require a grading permit. Grading which is listed as exempt under Section 23.03.032, but results in erosion and sedimentation control failures, shall also require a grading permit.

(ii) Grading and drainage plans shall be prepared by a registered civil engineer. All plans shall be signed and stamped by the engineer of record. Plans must include a detailed written scope, description of the intended use of the grading area, and all required grading plan contents as specified in Section 23.05.038.

(iii) A registered civil engineer or geotechnical engineer shall certify that the work performed meets the California Building Code and the Grading Ordinance. In the event that the work performed does not meet these grading standards, then the grading plans must show remedial work to correct deficiencies.

(iv) The Director may require approval and implementation of an erosion and sedimentation control plan in the interim if weather or site conditions warrant such action.

(v) If the engineer of record identifies a potentially hazardous condition as a result of the unpermitted site work, the engineer may recommend pursuing emergency permits for immediate remedial action subject to Subsection c(1).

(vi) In the event that no grading permit or land use permit can be issued for such operations, the site shall be restored to an acceptable condition as determined by the Director under a restoration permit pursuant to Subsection c(4).

(4) **Denial of unpermitted grading and site restoration.** If the Director requires restoration of a site, restoration plans, prepared by a certified sediment and erosion control specialist or by other qualified professionals at the discretion of the Director, shall be submitted for review and approval prior to any restoration. The permit holder shall pay a restoration permit fee, in addition to any applicable penalties, which shall be equal to the grading permit fee for both the unpermitted quantity and restoring quantities of grading material. Restoration shall be made in conformity with the approved plans.

d. Environmental review.

(1) **Environmental determination.** As required by Title 14 of the California Code of Regulations, all grading permit and restoration permit applications are to be reviewed by the Environmental Coordinator for an environmental determination in compliance with the California Environmental Quality Act (CEQA). This Section does not apply to those applications that are deemed exempt from the provisions of CEQA in compliance with section 15304, 15333, or 15061(b)(3) of the State CEQA Guidelines.

Exempt applications under Section 15304 of the State CEQA Guidelines include those that propose grading on terrain with slopes less than 10 percent, will involve less than 5,000 cubic yards of earthwork, do not involve site work in a waterway or wetlands, and are not located within a Sensitive Resource Area.

Exempt applications under Section 15333 of the State CEQA Guidelines include small habitat restoration projects.

Exempt applications under Section 15061(b)(3) of the State CEQA Guidelines include those projects where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

In any case where a drainage plan is required by Section 23.05.040 and an environmental determination is not otherwise required by Section 23.02.034 (Development Plan), Chapter 23.07 (Combining Designations), or Section 23.05.032 (Exemptions from Grading Permits), the project application shall be subject to an environmental determination before a decision to approve the application, except for single-family residences when exempt from the provisions of CEQA.

Unless exempt, no action shall be taken to approve, conditionally approve, or deny a grading permit or drainage plan until it is:

(i) Accompanied by a written determination by the Environmental Coordinator that the project is exempt from the provisions of CEQA; or

(ii) Accompanied by a duly issued and effective negative declaration; or

(iii) Accompanied by a certified environmental impact report.

(2) **EIR required.** Where an environmental impact report (EIR) is required in compliance with CEQA and:

(i) If a Development Plan is not required by other provisions of the title, a grading permit application shall be processed, reviewed, and approved according to all the provisions of Section 23.02.034 (Development Plan), and the criteria of Subsection e(1) (Criteria for Approval); or

(ii) If the Development Plan is required by other provisions of this Title, a grading permit application shall be processed, reviewed, and approved according to the provisions of this Section, including a requirement that the grading permit application shall be consistent with and satisfy all conditions of approval of the Development Plan.

(3) **EIR not required.** Where a grading permit is determined to be exempt from the provisions of CEQA or has been granted a proposed negative declaration, the Director or applicable Review Authority may approve the environmental determination and the permit where the proposed grading is in conformity with applicable provisions of this Title, provided:

(i) The Director may require that grading operations and project designs be modified if delays occur that result in weather-generated problems not addressed at the time the permit was issued.

(ii) Where a proposed negative declaration for a grading permit has been issued upon an agreement by the applicant to incorporate mitigation measures into the project that are necessary to reduce its environmental impacts, such mitigation measures shall be added and shown on the grading plans prior to permit issuance, and their completion and inspection shall be required prior to final inspection approval.

(iii) The comment period for the negative declaration has expired and no comments have been submitted.

(iv) The grading permit received an exemption under CEQA.

e. Approvals.

(1) Criteria for approval.

(i) Grading plan. A grading permit may be issued where the Director first finds, where applicable, that:

(a) Proposed grading is consistent with erosion and sedimentation control plan requirements (Section 23.05.042) and applicable standards (Section 23.05.048.c);

(b) The proposed grading design is consistent with the characteristics and constraints of the site;

(c) The extent and nature of proposed grading is appropriate for the use proposed, and will not create site disturbance to an extent greater than that required to establish the use;

(d) Proposed grading is consistent with the intent of the General Plan and any applicable specific plan;

(e) Proposed grading will not result in accelerated erosion, stream sedimentation, significantly reduced groundwater recharge or other adverse effects or hazards to life or property;

(f) Proposed erosion and sedimentation control measures are appropriate for the degree of site disturbance proposed and characteristics of the site and will result in the establishment of a permanent vegetative cover on denuded areas not otherwise permanently stabilized;

(g) Unless overriding findings have been made through preparation of an Environmental Impact Report, the proposed grading will not create substantial adverse long-term visual effects;

(h) If the proposed grading is for the creation of a building site, a design for an access road, if necessary, shall be approved with the grading permit;

(i) Adequate sewage disposal and water supplies are available;

(j) Project plans and approvals comply with General Construction Permit and NPDES Phase II provisions, including the preparation of a stormwater pollution prevention plan, if applicable; and

(k) The proposed grading complies with the air quality control procedures identified in Section 23.05.050.c.

(l) If the proposed grading is to accommodate non-agricultural development on agricultural land, the non-agricultural development has been located off of prime agricultural soils to the maximum extent feasible.

(m) The proposed grading complies with all applicable provisions of the Local Coastal Program and the California Coastal Act.

(ii) **Drainage plan.** All drainage plans shall be submitted to the Public Works Director for review, and are subject to the approval of the Public Works Director, prior to issuance of a land use, grading or construction permit, as applicable.

(a) **Appeal.** Actions of the Public Works Director on drainage plans may be appealed to the Board of Supervisors in compliance with the procedure set forth in Section 23.01.042.

(b) **Plan check, inspection and completion.** Where required by the Public Works Director, a plan check and inspection agreement shall be entered into and the drainage facilities inspected and approved before final project approval is issued.

(2) **Agency referrals and conditions of approval.** The Director may refer application materials to appropriate agencies for review and comment prior to grading permit approval. In granting any permit in compliance with the Grading Ordinance, the Director may impose, modify, or add conditions as reasonably necessary to prevent potentially adverse environmental impacts, nuisances, or unreasonable hazards to persons, public or private property, sensitive resources, productive soils, native vegetation, or cultural resources. Conditions may include, but are not limited to:

(i) Modifications necessary to ensure that plans comply with all applicable standards in this Title.

(ii) Improvement of any existing grading to bring it up to the standards required by the Grading Ordinance for new grading.

(iii) Requirements for fencing of excavations or fills which would otherwise be hazardous.

(iv) Adequate fugitive dust control measures as recommended by the San Luis Obispo County Air Pollution Control District and approved by the Director.

(v) An approved operational plan for creating, using and restoring a borrow area or pit.

(vi) Compliance with the purpose and intent of these grading, drainage, erosion and sedimentation control, and stormwater pollution prevention regulations (Section 23.05.040 through 23.05.044) or the grading, drainage, erosion and sedimentation control, and stormwater pollution prevention standards of Section 23.05.048.

(vii) Requirements for fencing or other protective measures around cultural resources, native trees, riparian or wetland vegetation, or other sensitive resources identified for protection.

(viii) Mitigation measures identified in the project's negative declaration, developer's statement, or environmental impact report.

(ix) Limitations on haul routes for materials and hours of operation.

(x) Requirements necessary to implement the recommendations identified in the project's civil engineering report, soils engineering report, engineering geology report, or erosion and sedimentation control plan.

(xi) Transfer of responsibility agreement if original civil engineer, soils engineer, engineering geologist, erosion control specialist, or grading contractor is replaced.

(xii) Groundwater recharge measures.

(3) **Security.** The Director shall require guarantees of performance for all engineered grading plans as set forth in Section 3311 of the 1997 Uniform Building Code Appendix Chapter 33 and Section 23.02.060, to ensure that the work, if not completed in compliance with the approved plans and specifications, will be corrected to eliminate hazardous conditions, or restore the site to pre-graded or natural condition. The Director may also identify other grading permits that require such security to ensure that environmental impacts are mitigated.

(i) A performance agreement and security posted with the County may be required if, in the Director's opinion, site characteristics including slope, proximity to waterways, neighboring structures, or sensitive resources; or the nature of work to be performed warrant a guarantee.

(ii) The guarantee of performance shall cover one hundred twenty percent (120%), (which includes contingencies, engineering and inspection) of the full amount required to assure completion, restoration and/or remediation, based upon estimates approved by the Director and must provide a right of entry from the property owner.

(iii) Every guarantee of performance shall be made on the conditions that the permit holder shall:

(a) Comply with all the provisions of this Code, applicable laws and ordinances.

(b) Comply with all of the terms and conditions of the grading permit.

(c) Complete all grading, drainage and erosion control work contemplated under the grading permit within the time limit specified in the grading permit, or if no time limit is so specified, the time limit specified in the Grading Ordinance. The Director may, for sufficient cause, extend the time specified in the permit, but no extension shall release the owner or the surety on the bond or person issuing the instrument of credit.

(iv) Each guarantee of performance shall remain in effect until the completion of the work as specified according to the plans, specifications, and terms and conditions of the grading permit to the satisfaction of the Director.

(v) In the event of failure to complete the work or failure to comply with all of the conditions and terms of the grading permit, the Director may order such work as in his opinion is necessary to correct any deficiencies or eliminate any dangerous conditions and leave the site in a safe condition. The Director may order the work authorized by the permit to be completed to a safe and stable condition to the Director's satisfaction, or may order restoration of the site to pre-graded or natural condition, or such condition deemed appropriate by the Director. The permit holder and/or the surety executing the performance agreement shall continue to be firmly bound under a continuing obligation for the payment of all necessary costs and expenses that may be incurred or expended by the County in causing any and all such work to be completed. In the case of a cash deposit, any unused portion thereof shall be refunded to the permit holder.

(vi) The guarantee of performance, less costs of remedial work, if any, shall be released when the Director determines that the erosion, sediment control, and native revegetation practices have adequately stabilized the site.

(vii) The grading permit may provide for the partial release of the bond or other security required by this Section upon the partial acceptance of the work in compliance with Subsection f(4) (Notification of Completion).

(viii) Any contractor or other person engaged in continuous or repeated excavations or, in the case of a construction permit, concurrent with that permit, may provide a blanket security or blanket deposit in the amount sufficient to insure prompt completion of all excavation projects being conducted at any one time. If the number or amount of excavation projects exceeds the amount of the security or

deposit, the Director may require additional security or deposit to insure completion of all work being done at any one time.

f. Permits.

(1) Permit application procedure. An application for a grading permit consists of written and graphic information in compliance with Section 23.05.038.b (Grading Plan Content) as well as a statement of compliance with Subsection e(1) (Criteria for Approval). Not all applications require the same level of information. In some situations, additional information may be required after initial review based upon the nature, degree, or location of proposed work.

(2) Grading permit time limits.

(i) Grading with no affiliated construction permit. An approved grading permit that is not affiliated with a construction permit is valid for a period of one year from the date of permit issuance, unless:

(a) Grading has begun, and an inspection has been recorded; or

(b) An extension has been granted as set forth in Section 19.02.020f of the Building and Construction Ordinance.

(ii) Grading with an affiliated construction permit. An approved grading permit that is affiliated with a construction permit is subject to the expiration limits, based on the associated structure, as set forth in Sections 19.02.020e and 19.02.020f of the Building and Construction Ordinance.

(iii) Expiration. Grading authorized by a permit that expires in compliance with this Subsection shall constitute a nuisance and shall be subject to abatement in compliance with Chapter 23.10 unless a new permit is obtained in compliance with California Building Code Section 105.5.2, as modified by Section 19.02.020.f of the County Code, and work is completed.

(iv) Time limits for unpermitted grading. Projects where grading operations are commenced before first securing a proper permit are subject to the following time limits:

(a) Application. Applications for unpermitted grading shall be valid for a period of 60 days from the date of the application. Failure to issue a permit resulting from an incomplete application submittal during this time period shall cause the application to be expired and referred to the code enforcement official. No extensions are allowed without the express written permission from the code enforcement official or Building Official.

Extensions may be authorized as necessary to allow completion of environmental review.

(b) Completion of grading. Grading permits for projects involving previously unpermitted grading shall be valid for a period of 90 days from the date of issuance. Time extensions for a previously unpermitted grading project may only be authorized by the Building Official for due cause.

(3) Revocation of permits.

(i) Failure to comply with any provision of the Grading Ordinance or the permit may cause revocation or suspension of the permit. In either case, the owner or permit holder shall be notified in writing of this action and the reasons for the action.

(ii) If the operations of the permit holder create an unreasonable occurrence of dust, noise, excessive traffic or other nuisance, the Director may require the permit holder to abate the nuisance and may suspend the permit until abatement measures are taken. Continuance of work without abating the nuisance shall be reason to revoke the permit.

(4) Notification of completion. The permit holder shall notify the Director when the grading operation is ready for final inspection. Final approval shall not be given until all work, including installation of all drainage facilities, recharge facilities, their protective devices, erosion and sedimentation control measures, and Best Management Practices (BMPs) have been completed in compliance with the final approved plans, and the required reports have been submitted and approved by the Director.

23.05.038 - Grading Plan Requirements

All applications for a grading permit shall be accompanied by a grading plan consistent with this Section.

a. Professionals qualified to prepare grading plans.

(1) Grading Plans may be prepared by anyone who can accurately provide the necessary information for the application, grading plan, erosion and sedimentation control plan, drainage plan, and stormwater pollution prevention plan review. This may include the applicant, a draftsperson, designer, certified sedimentation and erosion control specialist or licensed individuals who are normally involved with a project such as a civil engineer, surveyor, architect, or landscape architect. Should additional information be required due to unique physical characteristics of the site, this may require the information be prepared by the appropriate licensed professional.

(2) Grading Plans prepared for an Engineered Grading Plan (as defined by Subsection c) may be prepared only by professionals licensed by the State of California to prepare grading and

drainage plans. The assistance of other professionals approved by the County is encouraged. These professionals may include landscape architects, soil engineers, geologists, engineering geologists, certified sedimentation and erosion control specialists, botanists, biologists, and archaeologists.

b. Grading Plan content. A grading plan shall be legible and accurately drawn to scale using standard drafting techniques. Plans shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that they will conform to the provisions of the Grading Ordinance and all relevant codes and regulations. Plans shall include, but not be limited to, the following information unless waived by the Director:

(1) General site information.

(i) The name, address, and phone number of the owner and the person by whom the plans were prepared.

(ii) A description of the land upon which the work is to be performed, including Assessor's Parcel Number, street address, tract, block, and lot number.

(iii) An accurate location map with enough detail to find the site in the field and detailed directions to the site.

(iv) An accurate site plan that delineates the limits of grading activities.

(v) Photograph(s) (attached to plans) which clearly show the area to be disturbed and characteristics of the site.

(vi) A written scope of work, including references to any documents associated with the scope of work. Where grading was previously unpermitted, discussion on background and history of the grading activities shall be included.

(2) Work schedule and information.

(i) A statement as to the specific intentions or ultimate purpose for which the grading is being performed.

(ii) A work schedule, including the following information:

(a) Proposed grading schedule and construction sequence of excavation, filling, stockpiling and other land disturbing activities.

(b) Proposed timing and application of all erosion and sedimentation control and stormwater pollution prevention methods, practices, devices, and

methods of cleaning and disposing of accumulated sediment collected by temporary and permanent sediment control devices.

(c) Amount of time needed to complete grading activities, and the number and types of earth moving equipment to be used.

(d) Testing schedule for compacted fills.

(iii) A list of the inspections required under Section 23.05.052.

(3) Topography and earthwork quantities.

(i) Existing or natural ground contours, and proposed ground contours at intervals of no more than two feet for area to be graded and five feet for the remainder of site. On rural parcels exceeding 80 acres, existing and proposed contours shall be shown at two foot intervals for area to be graded, and the remainder of site at 20 foot intervals. The latest USGS topographic maps may be used as a source of information for the 20 foot intervals.

(ii) An estimate of the volume of earth to be moved, expressed in cubic yards, verified and stamped by the engineer of record. Calculations shall be provided to support the estimate.

(iii) An estimate of the surface area of earth to be moved, expressed in square feet, verified and stamped by the engineer of record. Calculations shall be provided to support the estimate.

(iv) An estimate of the total area of site disturbance, expressed in square feet. This total shall include all vegetation removal in addition to soil disturbance.

(v) An estimate of total area in square feet of native vegetation to be removed.

(4) Cuts and fills.

(i) Cuts and fills shall be limited to the minimum amount necessary to establish the proposed use. Specify amounts of cut and fill. Identify location of site(s) to receive fill, showing area and depth of fill. Identify location of borrow site(s) and depth of borrow. Whenever possible, cut and fill should be balanced on the site.

(a) If fill materials are imported to the site, provide information regarding the proposed source(s) and amount of material. If the source changes due to other materials becoming available, this information shall be provided to the Department of Planning and Building as known.

(b) If excavated materials are exported provide statement of amount, method of disposal, proposed location(s), and details on applicable permits.

(c) If permits are necessary for the site providing the fill material or receiving excavated material, provide evidence that permits have been issued for that site.

(d) Provide information regarding the proposed routes for hauling material, hours of work, and methods of controlling dust.

(ii) An estimate of the maximum and minimum vertical depth of cuts and fills, expressed in feet and cut and fill slope ratios.

(iii) Any required retaining walls or other means of retaining cuts or fills. Additionally, provide details and calculations of the retaining walls, drainage devices, and all other protective structures to be constructed as part of the grading permit.

(5) Finish elevations.

(i) Elevation of the finish floor of the garage or other parking areas.

(ii) Ground and finish floor elevations at the base of building or structure corners.

(iii) Elevations of the edge of pavement or road at driveway entrance.

(iv) Elevations of the top of wall and bottom of footing of proposed retaining walls.

(6) Site improvements and features.

(i) The location of all existing and proposed surface and subsurface drainage ways and drainage systems on the site and adjacent property which may affect or be affected by the proposed project.

(ii) The location of all existing and proposed buildings, structures, easements, groundwater recharge areas, wells or sewage disposal systems on site, and the approximate location of these items on adjacent property that are within 100 feet of the property boundary or which may affect or be affected by the proposed project. Show spot elevations at corners of existing and proposed buildings or structures and lots where proposed grading will occur.

(iii) Location, description, type or topographic description of existing rock outcropping, natural feature, vegetation, individual oak trees, wooded areas or trees that are five inches or greater in diameter measured 4.5 feet above ground level proposed for disturbance and/or removal. Botanical, archaeological, or biological surveys prepared by a qualified individual may be required where warranted. Show centerline of streams and flood plain lines, if applicable. Clearly identify on the plan the boundary and general characteristics of areas within which no disturbance will occur.

(7) Soils.

(i) A copy of a soils map and soils descriptions covering the project site and adjacent properties (available for free through the USDA Natural Resources Conservation Service, Upper Salinas - Las Tablas and Coastal San Luis Resource Conservation Districts, or online).

(ii) When required by the Director, each application for a grading permit shall be accompanied by two sets of supporting data consisting of a civil engineering report, soil engineering report, engineering geology report, erosion and sedimentation control report, and/or any other reports necessary. In many instances this information may be shown on the face of the plan.

(iii) Reports shall be prepared by qualified professionals with experience in report preparation and grading plan implementation. Recommendations included in the reports that are approved by the Director shall be incorporated into the grading plan. (See Subsection c, Engineered Grading Requirements.)

(iv) Clearly shown groundwater recharge methods that have been incorporated into the project design.

(v) A drainage plan if required by Section 23.05.040.

(vi) An erosion and sedimentation control plan (Section 23.05.042), including protective measures to be taken during construction, such as hydro-mulching, berms (temporary or permanent), interceptor ditches, subsurface drains, terraces, and/or sediment traps in order to prevent erosion of the cut faces of excavations or of the sloping surfaces of fills. No grading work shall be permitted unless the plans and specifications submitted for approval include an erosion and sedimentation control plan (and SWPPP if applicable) approved by the Building Official. The requirements of the erosion and sedimentation control plan shall be implemented, as required by the plan, prior to, during, and after any grading. Control measures contained in the erosion and sedimentation control plan shall be implemented according to the California Stormwater Quality Association (CASQA) Stormwater Best Management Practice (BMP) Handbooks (reference: http://www.cabmphandbooks.com).

(vii) **Stormwater control measures.** Where required by Section 23.05.044 (such as when construction activity includes one acre or more of disturbance or is part of a common development of one acre or greater):

(a) The application shall include a copy of the Notice of Intent (NOI) and the Stormwater Pollution Prevention Plan (SWPPP).

(b) The owner and/or permit holder of any property on which grading has been performed and that requires a grading permit under Section 23.05.028 shall put into effect and maintain all precautionary measures necessary to protect adjacent watercourses and public or private property. These measures shall be designed to avoid damage by erosion, flooding, and deposition of mud, debris and construction-related pollutants originating from the site. These measures shall remain in effect during and after grading and related construction activities as set forth in the SWPPP.

(c) The owner and/or permit holder shall be responsible for applying and maintaining appropriate measures necessary to prevent any change in cross-lot surface drainage that may adversely affect any adjoining property as a result of grading and/or construction-related activities. Such measures to prevent any adverse cross-lot surface drainage effects on adjoining property shall be required whether shown on approved grading plans or not.

(viii) All applicable dust control measures required by Section 23.05.050.c.

(8) **Additional information.** Additional plans, drawings, calculations, or information deemed necessary by the Director to adequately review, assess, and evaluate the proposed project's impacts and to show that the proposed work conforms with the requirements of the Grading Ordinance and other applicable provisions of this Code.

c. **Engineered Grading Plan requirements.** When required pursuant to Subsection c(1), the grading plan shall be prepared and signed and sealed by a qualified, registered civil engineer or other qualified professional licensed by the state to perform such work, and shall include specifications covering construction, inspection and material requirements in addition to the information required in compliance with Subsection b. Additionally, those items required by Subsections c(2) through c(4) shall accompany the grading plans.

(1) **When required.** Engineered grading is required when one or more of the following circumstances exist:

(i) The grading will involve 5,000 cubic yards or more (cumulative).

(ii) The grading involves site work on slopes of 20 percent or greater.

(iii) The proposed grading is located within a Geologic Study Area or Flood Hazard area.

(iv) The Director has cause to believe that geologic hazards may be involved.

(v) The proposed grading is located within 100 feet of an Environmentally Sensitive Habitat Area.

(2) **Site and drainage report.** The site and drainage report, shall include, but not be limited to:

(i) The date the report was prepared and the name, address, and phone number of firm or individual who prepared the report.

(ii) Hydrology calculations showing maximum peak discharges of water runoff for 10-year and 100-year storm frequencies and comparison of runoff with and without project. Hydraulic calculations for existing downstream runoff conveyance systems that will be impacted by the proposed project runoff.

(iii) Summary of the groundwater recharge methods that have been incorporated into the project design.

(iv) Inspection and approval to establish lines and grades, design criteria for corrective measures, including the required safe storm drainage capacity of channels both on- and off-site.

(v) Soils, geology, or civil engineer's opinions and recommendations concerning adequacy of site to be developed by the proposed grading.

(vi) Sequence and type of recommended inspections.

(3) **Geotechnical report.** The geotechnical report, shall contain, but need not be limited to, all the following information:

(i) The date the report was prepared and the name, address and phone number of firm or individual who prepared the report.

(ii) Data regarding the nature, distribution, and strength of existing soils.

(iii) Data regarding the nature, distribution, and strength of soil to be placed on the site, if any.

(iv) Conclusions and recommendations for grading procedures.

(v) Conclusions and recommended designs for interim soil stabilization devices and measures for permanent soil stabilization after construction are completed.

(vi) Design criteria for corrective measures including buttress fills, when necessary.

(vii) Identification of existing cuts and fills on site, recommended measures for compaction, slope stability and other factors affecting suitability for support of a structure.

(viii) Engineer's opinions and recommendations concerning adequacy for the intended use of site to be developed by the proposed grading as affected by soils engineering factors, including the stability of slopes, foundation recommendation, soil design criteria, liquefaction, expansive soil, loose or soft soils, areas of unknown problems, undocumented fill, cut/fill, unusual loading, shallow ground water or springs, and landslides.

(ix) Sequence and type of recommended inspections.

(4) **Engineering geology report.** The engineering geology report shall comply with protocol approved by the Department of Planning and Building and shall contain, but need not be limited to, the following information:

(i) The date the report was prepared and the name, address, and phone number of firm or individual who prepared the report.

(ii) An adequate description of the geology of the site.

(iii) Conclusions and recommendations regarding the effect of geologic conditions on the proposed development.

(iv) An opinion on the adequacy for the intended use of site to be developed by the proposed grading, as affected by geologic factors.

(v) Need for underground drainage devices or opportunities for underground recharge devices.

(vi) Sequence and type of recommended inspections.

(vii) If the proposed grading is for a habitable structure, and the geologist has identified evidence of recent fault ruptures occurring near the proposed structure, additional geological information will be necessary. The guidelines suggested in the California Division of Mines and Geology Notes #49 or subsequent additions shall be used to prepare this supplemental report.

23.05.040 - Drainage Plan Required

a. **Requirements.** Drainage plans shall be prepared and submitted for review and approval by the Public Works Director, where required by this Title, by the planning area standards of the Land Use Element, or where a project:

(1) Increases or decreases runoff volume or velocity leaving any point of the site beyond those that existed prior to site disturbance activities; or

(2) Involves a land disturbance (grading, or removal of vegetation down to duff or bare soil, by any method) of more than 20,000 square feet; or

(3) Will result in an impervious surface of more than 20,000 square feet; or

(4) Is subject to local ponding due to soil or topographic conditions; or

(5) Is located in an area identified by the Public Works Director or building inspector as having a history of flooding or erosion that may be further aggravated by or have a harmful effect on the project or adjoining properties; or

(6) Is located within a Flood Hazard (FH) combining designation; or

(7) Is located over a known high recharge area identified by the Public Works Director; or

(8) Involves land disturbance or placement of structures within 200 feet of the top bank of any watercourse; or

(9) Involves hillside development on slopes steeper than 10 percent; or

(10) May, by altering existing drainage, cause an on-site erosion or inundation hazard, or change the off-site drainage pattern, including, but not limited to any change in the direction, velocity, or volume of flow; or

(11) Involves development on a site adjacent to any coastal bluff.

b. **Exemptions.** Preparation of a drainage plan is not required where grading is exclusively for ongoing crop production, or ongoing grazing. This shall include any agricultural roads used exclusively for these purposes when they do not require issuance of a County grading permit. Drainage plans may also be waived where authorized the Public Works Director has determined that there is no potential for adverse impacts.

c. **Submittal.** Where required by Subsection a, drainage plans are to be submitted with or be made part of the Zoning Clearance, Plot Plan, Minor Use Permit, Site Plan Review, Development Plan, grading permit, or construction permit application.

d. Drainage plan content. Drainage plans shall be legible and accurately drawn, at an appropriate scale that will enable ready identification and recognition of submitted information. Drainage plans shall be developed in conformance with the drainage standards in Section 23.05.048.b. The Public Works Director may require drainage plans to be prepared by a registered civil engineer.

(1) Basic drainage plan contents. A drainage plan shall include the following information about the site:

(i) Flow lines of surface waters onto and off the site.

(ii) Existing and finished contours at two-foot intervals or other topographic information required by the Public Works Director.

(iii) Building pad, finished floor and street elevations, existing and proposed.

(iv) Location and graphic representation of all existing and proposed natural and man made drainage facilities for storage or conveyance of runoff, including drainage swales, ditches, culverts and berms, sumps, sediment basins, channels, ponds, storm drains and drop inlets. In addition, private water wells and sewage disposal systems must be shown. Include detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams and other protective devices to be constructed with or as a part of the proposed work.

(v) Proposed flood-proofing measures where determined to be necessary by the Public Works Director and in accordance with Federal Emergency Management Agency (FEMA) requirements.

(vi) For projects where the Director or Public Works Director determines that increased discharge rates and durations could result in off-site erosion or other impacts to beneficial uses, the project shall incorporate appropriate site design Best Management Practices (BMPs) and, if necessary, structural and/or treatment control BMPs in order to match estimated post-development discharge rates as closely as possible to the estimated pre-development discharge rates. Such measures shall be clearly depicted on the drainage plan.

(2) Engineered plan content. In addition to the information required by Subsection d(1), engineered drainage plans are to include:

(i) An evaluation of the effects of projected runoff on adjacent properties and existing drainage facilities and systems.

(ii) A map showing the drainage area and hydraulic calculations showing the facilities flow carrying capacities for the design storm event and justifying the estimated runoff of the area served by any drain. Include design discharges and velocities for

conveyance devices, and storage volumes of sumps, ponds, and sediment basins based on the design storm.

(iii) Estimates of existing and increased runoff resulting from the proposed improvements and methods for reducing velocity of any increased runoff.

(iv) Methods for enhancing groundwater recharge that have been incorporated into the project design or an explanation of non-necessity of groundwater recharge for this site.

23.05.042 - Erosion and Sedimentation Control Plan Required

a. **Requirements.** An erosion and sedimentation control plan shall be required year-round for the following types of projects:

(1) **Construction and grading.** All construction and grading permit projects.

(2) **Site disturbance activities.** Any site disturbance activities involving removal of one-half acre or more of vegetation in any of the following areas:

(i) Geologically unstable areas.

(ii) On slopes in excess of 30 percent.

(iii) On soils rated by the National Resources Conservation Service (NRCS) as being highly erodible.

(iv) Within 200 feet of any watercourse.

b. **Exceptions.** Projects exempt from grading permit submittal as set forth in Section 23.05.032 are not required to prepare an erosion and sedimentation control plan. For other projects, an exception to the requirement for an erosion and sedimentation control plan may be authorized by the Building Official or Public Works Director only when all the following site characteristics exist in the area to be disturbed; and all work will be completed, and no portion of the site will remain disturbed between October 15 and April 15:

(1) Site disturbance is located in an area that has a maximum slope of less than 10 percent.

(2) Site disturbance is not located within geologically unstable areas.

(3) Site disturbance is located on soils rated as being not highly erodible by the USDA Natural Resources Conservation Service (unless the building inspector or Public Works Director is aware of the potential for erosion problems in the area).

(4) Site disturbance is located more than 300 feet from the top bank of any watercourse or water feature.

(5) The grading will not cause organic or earthen materials from logging, construction or other land disturbance activities to be carried into a swale, drainage way, watercourse, or onto adjacent properties by rainfall or runoff.

(6) The project will create minimal site disturbance from combined activities.

c. **Stormwater Quality Plan (SWQP).** All erosion and sedimentation control plans shall be accompanied with a complete SWQP application, unless exempted by the Director or the Public Works Director. Best Management Practices (BMPs) shall be in compliance with the Low Impact Development (LID) Handbook.

d. **Erosion and sedimentation control plan content.** An erosion and sedimentation control plan shall address pre-construction, during construction, and post-construction measures. Measures shall be in place to control erosion and sedimentation prior to the commencement of grading and site disturbance activities unless the Director of Planning and Building or the Public Works Director determines temporary measures to be unnecessary based upon location, site characteristics or time of year.

Plans may be incorporated into and approved as part of a grading or drainage plan, but must be clearly identified as an erosion and sedimentation control plan. Erosion and sedimentation control plans are reviewed and approved by the Director of Planning and Building or the Public Works Director. The plan shall be prepared by a certified sediment and erosion control specialist, a registered civil engineer, registered architect or landscape architect, certified California nurseryman, licensed landscape contractor, Resource Conservation District or USDA Natural Resources Conservation Service Specialist, or other qualified persons acceptable to the Department of Planning and Building with competence and experience in erosion control plan preparation and implementation. The plan shall be in conformance with the erosion and sedimentation standards in Section 23.04.048.c.

The plan shall consist of graphic and narrative information of sufficient clarity to indicate the nature, extent, location and placement recommendations (including installation procedures and requirements) of the erosion and sedimentation control measures proposed and show in detail that they will conform to the provisions of the Grading Ordinance and the LCP. The location of all practices, methods and devices shall be shown on the grading plan, or on a separate plan at the discretion of the Director. If separate, it shall be attached to the grading plan used in the field. The plan shall contain, but need not be limited to, all the following information unless some of the information is waived by the Director of Planning and Building or the Public Works Director as not needed for the review of a particular site and its characteristics:

(1) Grading limits shall be graphically defined on the plan and staked out before site disturbance begins.

(2) An outline of the areas of soil disturbance, cut, or fill which will be left exposed during any part of the rainy season, representing areas of potential soil erosion where erosion and sedimentation control BMPs are required to be used during construction.

(3) Estimates of sediment yields before, during, and after construction of the project for a three year period or until revegetation with native plants is established. (One acceptable method is the "Universal Soil Loss Equation" developed by the USDA Agricultural Research Service.)

(4) Proposed methods and a description of the BMPs to be used to protect exposed erodible areas during construction, including temporary mulching, seeding, or other recognized surface stabilization measures.

(5) Proposed pre-construction, during construction, and post-construction methods and a description of the practices to be used for cut or fill slopes to prevent erosive surface runoff, including earth or paved interceptors and diversions, energy absorbing structures, or devices and techniques to reduce the velocity of runoff water.

(6) When revegetation is required for smaller disturbed areas near habitats identified at the state and/or federal levels as sensitive (e.g. near creeks or wetlands, coastal scrub), propose an alternative "native-friendly" mix of seeds and/or cuttings that are compatible with the sensitive habitat. The alternative mix to be used shall: a) grow reasonably quickly; b) be from locally- or commercially-available native seed or plant stock; c) be compatible with the surrounding native habitat and climate; and d) be free from noxious weed seed of local and statewide importance (as identified by the Agricultural Commissioner's Office). Where larger areas are to be reseeded, the applicant should consult with a qualified botanist or other qualified expert of native plants to survey the site and determine the best mix of native species.

(7) Proposed methods and description of the temporary and final practices to retain sediment on the site, including sediment basins and traps, vegetative filter strips, or other recognized BMPs, a schedule for their maintenance and upkeep, and provisions for responsibility of maintenance. Include design criteria for the trapping efficiency and storage capacities of sediment basins for flows from a 10-year storm.

(8) Proposed methods, application technique, seed and fertilizer rate, sequence, and description of final erosion control practices for native revegetation of all surfaces disturbed by vegetation removal, grading, haul roads, or other construction activity, unless covered with impervious or other improved surfaces authorized by the approved plans. A schedule for maintenance and upkeep of revegetated areas shall be included. To the extent feasible, non-structural erosion techniques must be used to control run-off and reduce sedimentation.

(9) The type, location, and extent of pre-existing and undisturbed vegetation on the site, including an outline of the areas of vegetative soil cover or native vegetation onsite which will remain undisturbed during the construction project.

(10) A description of the BMPs and control practices to be used for both temporary and permanent erosion control measures.

(11) A description of the BMPs to reduce wind erosion at all times, with particular attention paid to stock-piled materials.

(12) A proposed schedule for the implementation of erosion control measures.

(13) An estimate of the cost of implementing and maintaining all erosion and sedimentation control practices where bonds or other financial assurances are proposed or required.

(14) A statement signed by the individual preparing the plan certifying that the amount of site disturbance proposed has been reduced to the maximum extent practicable.

(15) Descriptions and graphic representation of proposed methods to limit access routes and stabilize all access points, and to delineate clearing limits, easements, setbacks, sensitive areas, buffer areas, and drainage courses.

(16) Other additional plans, drawings, calculations, photographs, or other information which are necessary to adequately review, assess, and evaluate proposals and to show that they comply with the requirements of the Grading Ordinance.

(17) A statement signed by the preparer of the plan certifying that the plan complies with all applicable standards in the Grading Ordinance, including those standards in Section 23.05.048.c (Erosion and Sedimentation Control standards).

e. **Field and weather conditions.** If field or weather conditions warrant, the Director may require erosion and sedimentation control devices be installed in addition to what is required by the approved plans.

23.05.044 - Stormwater Pollution Prevention Plan (SWPPP) Required

Note: Even if the project results in less than one acre of site disturbance, the Regional Water Quality Control Board may require coverage under a General Construction Permit and preparation of a SWPPP if there is a significant water quality impairment resulting from the activity.

a. **Requirement Criteria.** Unless exempted by Subsection b, a Stormwater Pollution Prevention Plan (SWPPP) is required prior to issuance of grading and/or construction permits, and/or prior to approval of subdivision improvement plans, for a project that involves clearing, grubbing, grading, or disturbance to the ground such as stockpiling or excavation that:

(1) Results in site disturbance of one acre or more of land area; or

(2) Results in site disturbance of less than one acre if the activity is part of a larger common plan of development that encompasses one acre or more of site disturbance.

b. **Exemption from SWPPP preparation.** The following projects do not require the preparation of a Stormwater Pollution Prevention Plan (SWPPP):

(1) Routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of an existing legally established use or development.

(2) Emergency construction activities required to protect public health and safety.

(3) Any project exempted from stormwater pollution prevention requirements under a valid waiver or conditional waiver adopted by the State Water Resources Control Board or the Central Coast Regional Water Quality Control Board.

(4) Agricultural discharges regulated by the State Water Resources Control Board and/or Regional Water Quality Control Board pursuant to waiver and/or formal policy, provided compliance with all relevant permit, waiver, or policy conditions established by the State Water Resources Control Board and/or Regional Water Quality Control Board is maintained.

c. **Coverage under the General Construction Permit.** Projects which require preparation of a SWPPP pursuant to this Section shall require coverage to discharge clean stormwater under the General Construction Permit administered by the Central Coast Regional Water Quality Control Board (RWQCB) and State Water Resources Control Board (SWRCB). To gain coverage, the applicant shall submit a Notice of Intent (NOI) or Permit Registration Documents (PRDs) to the SWRCB prior to construction. The SWRCB will issue a Waste Discharge Identification Number (WDID) for approved projects. The SWPPP shall include a copy of the NOI/PRDs and the WDID number. A copy of the SWPPP shall be supplied to the Planning and Building Department.

d. **SWPPP requirements.** SWPPPs shall comply with all of the requirements outlined in Sections A, B, and C of SWRCB General Construction Permit Number CAS000002, or any subsequent General Construction Permits that amend or replace Permit CAS000002. These requirements include, but are not limited to those measures set forth in Subsections f through j.

e. **County SWPPP review.** At the discretion of the Director and/or Building Official, the County may review and request modifications or amendments to the SWPPP in order to ensure compliance with the County Code and/or the General Construction Permit requirements. At the Director's discretion, a SWPPP may be required to be submitted as part of any discretionary permit review, where a project will meet the thresholds of Subsection a, and where such information is needed to ensure all construction and post-construction measures are appropriately evaluated pursuant to the California Environmental Quality Act (CEQA) and consistent with the LCP

f. Contents. A SWPPP shall include the following:

(1) Site Plan. A site plan shall be provided showing the same information required on the following plans:

(i) Grading plan, pursuant to Section 23.05.038.b.

(ii) Drainage plan, pursuant to Section 23.05.040.c, with the addition of the following features:

(a) The anticipated discharge location(s) where the stormwater from the construction site discharges to a municipal separate storm sewer system or other water body.

(b) Drainage patterns across the project site and as far outside the project site as necessary to illustrate the relevant drainage areas.

(2) Erosion and Sedimentation Control Plan. A copy of the erosion and sedimentation control plan shall be included with the SWPPP. The erosion and sedimentation control plan shall include the following additional requirements:

(i) Sediment basin requirements. If a sediment basin is proposed as part of the erosion and sedimentation control plan, the basin shall be designed and maintained pursuant to this Code, provided that the design efficiency is as protective or more protective than the design standards found in the General Construction Permit.

(ii) Public or private roads. The SWPPP shall include a description of the BMPs to reduce the tracking of sediment onto public or private roads at all times. These public and private roads shall be inspected and cleaned as necessary. Road cleaning BMPs shall be discussed in the SWPPP and will not rely on the washing of accumulated sediment or silt into the stormwater conveyance system.

(3) Pollutant sources and BMP identification. The SWPPP shall include a description of potential sources of pollutants, including pollutants originating from off-site which may flow across or through areas of construction. Additionally, the SWPPP shall include the following:

(i) Avoid runoff through construction areas. Runoff from off-site areas shall be prevented from flowing through areas that have been disturbed by construction, unless appropriate conveyance systems and BMPs are in place. BMPs shall consider stormwater run-on and all calculations for anticipated stormwater run-on shall be shown.

(ii) **Stormwater inlets.** Show the drainage patterns into each on-site stormwater inlet point or receiving water, and describe or show the BMPs that will protect stormwater inlets and/or receiving waters (e.g. concrete rinse water, slurry from sawcutting, etc.).

(iii) **Contaminated soils or toxic materials.** Show or describe the BMPs implemented to minimize the exposure of stormwater to contaminated soil or toxic materials.

(iv) **Staging.** Show areas designated for the following: storage of soil or waste; vehicle storage and service areas; construction material loading, unloading, and access areas; equipment storage, cleaning, and maintenance areas.

(v) **Exposure to construction materials/equipment.** Describe the BMPs designed to minimize or eliminate the exposure of stormwater to construction materials, equipment, vehicles, waste storage areas, or service areas. The BMPs described shall be in compliance with federal, state, and local laws, regulations, and ordinances.

(vi) **Post-construction BMPs.** Describe all post-construction BMPs for the project, and show the location of each BMP on the site plan. Post-construction BMPs consist of permanent features designed to minimize pollutant discharges, including sediment, from the site after construction has been completed. Also, describe the agency or parties to be the responsible party for long-term maintenance of these BMPs.

(vii) **Impaired water bodies.** Show the locations of direct discharge from the construction site into any Clean Water Act Section 303(d) listed water bodies. Show the designated sampling locations in the receiving waters, which represent the prevailing conditions of the water bodies upstream of the construction site discharge and immediately downstream from the last point of discharge.

(viii) **Sampling.** Show the locations designated for sampling the discharge, associated with contaminated discharges other than sediment. Samples shall be taken if visual monitoring indicates that there has been a breach, malfunction, leakage, or spill from a BMP which could result in the discharge of pollutants that would not be visually detectable, or if stormwater comes into contact with soil amendments or other exposed materials or contamination and is allowed to be discharged. Describe the sampling procedure, location, and rationale for obtaining the uncontaminated sample of stormwater.

(4) Additional sources of pollutants and identification information.

(i) **Narrative description.** The SWPPP shall include a narrative description of pollutant sources and BMPs that cannot be adequately communicated or identified on the site map. In addition, a narrative description of preconstruction control

practices (if any) to reduce sediment and other pollutants in stormwater discharges shall be included.

(ii) **Inventory of materials and activities.** The SWPPP shall include an inventory of all materials used and activities performed during construction that have the potential to contribute to the discharge of pollutants other than sediment in stormwater. Describe the BMPs selected and the basis for their selection to eliminate or reduce these pollutants in the stormwater discharges.

(iii) **Runoff.** The SWPPP shall include the following information regarding the construction site surface area: the size, the runoff coefficient before and after construction, and the percentage that is impervious before and after construction.

(iv) **Construction schedule.** The SWPPP shall include a construction activity schedule which describes all major activities such as mass grading, paving, parcel improvements at the site, and the proposed time frame to conduct those activities.

(v) **Responsible person(s).** The SWPPP shall list the name and telephone number of the qualified person(s) who have been assigned responsibility for pre-storm, post-storm, and storm event BMP inspections. The qualified person(s) that is/are assigned responsibility shall ensure full compliance with the permit and implementation of all elements of the SWPPP. This shall include the preparation of the annual compliance evaluation and the elimination of all unauthorized discharges.

(5) Non-stormwater management.

(i) Describe all non-stormwater discharges to receiving waters that are proposed for the construction project. Non-stormwater discharges shall be eliminated or reduced to the extent feasible. Include the locations of such discharges and descriptions of all BMPs designed for the control of pollutants in such discharges.

(ii) Discharging sediment-laden water which will cause or contribute to an exceedance of the applicable RWQCB's Basin Plan from a dewatering site or sediment basin into any receiving water or storm drain without filtration or equivalent treatment is prohibited.

(6) Post-construction stormwater management.

(i) The SWPPP shall include descriptions of the BMPs to reduce pollutants in stormwater discharges after all construction phases have been completed at the site (Post- Construction BMPs).

(ii) The permit holder must consider site-specific and seasonal conditions when designing the control practices.

(iii) Operation and maintenance of control practices after construction is completed shall be addressed, including short-and long-term funding sources and the responsible party.

(7) **Maintenance, inspection, and repair.** The SWPPP shall include a discussion of the program to inspect and maintain all BMPs as identified in the site plan or other narrative documents throughout the entire duration of the project. Inspections are to be completed by the responsible party designated by the permit holder. The program shall include the following provisions:

(i) **Responsible person(s).** The name and contact information for the responsible person(s).

(ii) **Inspection timing.** Inspections shall be performed before and after storm events, and once each 24-hour period during extended storm events, to identify BMP effectiveness and implement repairs and/or design changes.

(iii) **Inspection checklist.** For each required inspection, the permit holder shall complete an inspection checklist, using an inspection checklist provided by the Regional Water Quality Control Board, and/or State Water Resources Control Board, or on a form containing equivalent information.

(iv) **Repairs.** All corrective maintenance to BMPs shall be performed as soon as possible after the conclusion of each storm depending upon worker safety. Repairs or design changes shall be completed as soon as feasible.

(8) **Training.** Individuals responsible for SWPPP preparation, implementation, and permit compliance shall be appropriately trained, and the SWPPP shall document all training. This includes those personnel responsible for installation, inspection, maintenance, and repair of BMPs. Those responsible for overseeing, revising, and amending the SWPPP shall also document their training. Training should be both formal and informal, occur on an ongoing basis when it is appropriate and convenient, and should include training/workshops offered by the SWRCB, RWQCB, or other locally recognized agencies or professional organizations.

(9) **Contractors and subcontractors.** The SWPPP shall include a list of names of all contractors (or subcontractors) and individuals responsible for implementation of the SWPPP. This list shall include telephone numbers and addresses. Specific areas of responsibility of each subcontractor and emergency contact numbers shall also be included.

(10) **Incorporation by reference.** This SWPPP may incorporate by reference the appropriate elements of other plans required by local, state, or federal agencies. A copy of any requirements incorporated by reference shall be kept with the SWPPP at the construction site.

(11) **Certification by the preparer.** The SWPPP and each amendment shall be signed by the landowner (permit holder) or his representative and include the date of initial preparation and the date of each amendment.

g. **Monitoring and reporting program.** The SWPPP shall include a monitoring and reporting program meeting the following standards:

(1) **Annual certification.** Each permit holder or qualified assigned personnel listed by name and contact number in the SWPPP must certify annually that construction activities are in compliance with the requirements of the General Construction Permit and the SWPPP. This certification shall be based upon the site inspections required by Subsection f(7). The certification must be completed and submitted to the Department of Planning and Building and to the RWQCB **by September 1 of each year.**

(2) **Noncompliance reporting.** Permit holders who cannot certify compliance, in accordance with Subsection g(1) and/or who have had other instances of noncompliance excluding exceedances of water quality standards as defined in Section 23.05.048.d(2) (Receiving Water Limitations), shall notify the County and the Central Coast RWQCB within 30 days. Corrective measures shall be implemented immediately following discovery that water quality standards were exceeded. The notifications shall identify the noncompliance event, including an initial assessment of any impact caused by the event; describe the actions necessary to achieve compliance; and include a time schedule subject to the modifications by the RWQCB indicating when compliance will be achieved. Noncompliance notifications must be submitted within 30-calendar days of identification of noncompliance.

(3) **Monitoring records.** Records of all inspections, compliance certifications, and noncompliance reporting must be retained for a period of at least three years from the date generated.

(4) **Monitoring program for sedimentation / siltation.** Projects that may discharge stormwater into a threatened or impaired water body are subject to the following standards. A water body is considered threatened or impaired if it appears on the most recent list prepared pursuant to Section 303(d) of the Clean Water Act. Projects which discharge to tributaries that do not appear on the list of threatened or impaired water bodies, or that flow into a municipal separate storm sewer system (MS4) are not subject to these sampling and analysis requirements.

(i) **Sampling and analysis program.** The permit holder shall conduct a sampling and analysis program for the pollutants (i.e. sedimentation/siltation or turbidity) causing the impairment. The permit holder shall monitor for the applicable parameter.

(ii) **Sedimentation or siltation.** If the water body is listed for sedimentation or siltation, samples shall be analyzed for Settleable Solids (ml/l) and Total Suspended Solids (mg/l). Alternatively or in addition, samples may be analyzed for suspended sediment concentration according to ASTM D3977-97.

(iii) **Turbidity.** If the water body is listed for turbidity, samples shall be analyzed for turbidity, in terms of Nephelometric Turbidity Units (NTUs).

(iv) **Relationship to BMPs.** The sampling and analysis parameters and procedures must be designed to determine whether the BMPs installed and maintained prevent discharges of sediment from contributing to impairment in receiving waters.

(v) **Collection of samples.** Samples shall be collected during the first two hours of discharge from rain events which result in a direct discharge to any threatened or impaired water body. Samples shall be collected during daylight hours (sunrise to sunset). Permit holders need not collect more than four (4) samples per month. All samples shall be taken in the receiving waters and shall be representative of the prevailing conditions of the water bodies. Samples shall be collected from safely accessible locations upstream of the construction site discharge and immediately downstream from the last point of discharge.

(vi) **Laboratory analysis.** For laboratory analysis, all sampling, sample preservation, and analyses must be conducted according to test procedures under Title 40 of the Code of Federal Regulations, Part 136. Field samples shall be collected and analyzed according to the specifications of the manufacturer of the sampling devices employed. Portable meters shall be calibrated according to manufacturer's specification. All field and/or laboratory analytical data shall be kept in the SWPPP document, which is to remain at the construction site at all times until a Notice of Termination has been submitted and approved.

(5) **Monitoring program for pollutants not visually detectable in stormwater.** A sampling and analysis program shall be developed and conducted for pollutants which are not visually detectable in stormwater discharges, which are or should be known to occur on the construction site, and which could cause or contribute to an exceedance of water quality objectives in the receiving water. The program shall comply with the following provisions:

(i) **Construction sites.** Examples of construction sites that may require sampling and analysis include:

(a) sites that are known to have contaminants spilled or spread on the ground; or

(b) sites where construction practices include the application of soil amendments, such as gypsum, which can increase the pH of the runoff; or

(c) sites having uncovered stockpiles of material exposed to stormwater.

(ii) **Pollutants.** Pollutants that should be considered for inclusion in this sampling and analysis program are those identified as required by Subsections f(3) and f(4).

(iii) **Materials.** Construction materials and compounds that are not stored in water-tight containers under a water-tight roof or inside a building are examples of materials for which the permit holder may have to implement sampling and analysis procedures.

(iv) **Collection of samples.** Visual observations before, during, and after storm events may trigger the requirement to collect samples. Any breach, malfunction, leakage, or spill observed which could result in the discharge of pollutants to surface waters that would not be visually detectable in stormwater shall trigger the collection of a sample of discharge. Samples shall be collected at all discharge locations which drain the areas identified by the visual observations and which can be safely accessed. A sufficiently large sample of stormwater that has not come in contact with the disturbed soil or the materials stored or used on-site (uncontaminated sample) shall be collected for comparison with the discharge sample. Samples shall be collected during the first two hours of discharge from rain events that occur during daylight hours and which generate runoff.

(v) **Qualified personnel.** For sites where sampling and analysis is required, personnel trained in water quality sampling procedures shall collect stormwater samples.

(vi) **Comparison to uncontaminated sample.** The uncontaminated sample shall be compared to the samples of discharge using field analysis or through laboratory analysis. Analyses may include, but are not limited to, indicator parameters such as: pH, specific conductance, dissolved oxygen, conductivity, salinity, and totally dissolved solids (TDS).

(vii) **Laboratory analysis.** For laboratory analysis, procedures shall comply with Subsection g(4)(vi).

(6) **Additional requirements.** The County and/or RWQCB may require the permit holder to conduct additional site inspections, to submit reports and certifications, or perform sampling and analysis.

h. Implementation.

(1) The SWPPP shall be developed prior to the start of soil disturbing activities and shall be implemented concurrently with the commencement of soil disturbing activities.

(2) The site shall be maintained consistent with the stormwater pollution prevention standards of Section 23.05.048.d.

(3) For ongoing construction activity involving a change of ownership of property, the new owner shall review the existing SWPPP and amend if necessary, or develop a new SWPPP within 45-calendar days.

i. **Availability.** The SWPPP shall remain on the construction site while the site is under construction during working hours, commencing with the initial construction activity and ending with termination of coverage under the General Construction Permit (Notice of Termination).

j. **Changes.** Whenever there is a change in construction or operations which may affect the discharge of pollutants, the SWPPP shall be amended with the County and RWQCB.

(1) The SWPPP shall be amended if the permit holder violates any standard in this Section or a condition of the General Construction Permit or has not achieved the general objective of reducing or eliminating pollutants in stormwater discharges. If the County and/or RWQCB determines that the permit holder is in violation of this ordinance or the General Construction Permit, the SWPPP shall be amended and implemented in a timely manner, but in no case more than 14 calendar days after notification by the County and/or RWQCB. All amendments shall be dated and directly attached to the SWPPP.

(2) The County and/or RWQCB may require the permit holder to amend the SWPPP.

23.05.046 - Groundwater Recharge

a. **Requirements.** Groundwater recharge elements must be included in the project design to mitigate the impacts on recharge caused by the reduction in the permeability of soil areas on the site, except when any of the following site characteristics exist:

(1) High groundwater in the area limits the effectiveness of recharge efforts or enhancing groundwater recharge would create additional problems related to high groundwater.

(2) The entire site being developed is shown to contain impervious soils that would not benefit from recharge efforts.

(3) There is a known geologic instability that would be negatively impacted by increased groundwater recharge.

(4) It can be demonstrated that no additional runoff will occur from the development.

(5) Federal or state regulations prohibit recharge.

b. **Groundwater recharge.** All areas on the project site that will become impervious or will have their soil permeability impaired (such as compaction of soil under an all weather driveway) must be mitigated to the maximum extent practicable with recharge enhancement elsewhere on the parcel. Offsite mitigation is a secondary alternative.

23.05.048 - Standards

a. Grading standards.

(1) Excavation standards. All excavations are to be conducted in compliance with the provisions of Sections 3304 through 3318 of the 1997 Uniform Building Code Appendix 33 and the following standards:

(i) No excavation shall be made with a cut face steeper in slope than two horizontal to one vertical, except under one or more of the following conditions.

(a) The Director may permit an excavation to be made with a cut face steeper than two horizontal to one vertical if the applicant provides a slope stability analysis prepared by a geotechnical engineer or engineering geologist that the material making up the slope of the excavation and the underlying earth material is capable of standing on a steeper slope, and a certified soil and erosion control specialist or other qualified professional indicates, in writing, that either it is feasible to mitigate erosion and sedimentation impacts and that successful revegetation of the site with native plants can be accomplished or that due to the nature or composition of the cut slope, erosion and sedimentation measures and revegetation are unnecessary.

(b) A retaining wall or other approved support which also mitigates visual impacts of the device is provided to support the face of the excavation.

(ii) The Director may require an excavation to be made with cut face flatter in slope than two horizontal to one vertical if a slope stability analysis or other appropriate method of review indicates that the material in which the excavation is to be made is such that the flatter cut slope is necessary for stability, safety, or to prevent erosion and sedimentation and stormwater impacts.

(iii) No cut slope shall exceed a height of 25 feet without intervening terraces having a minimum width of six feet. These terraces shall be vertically spaced at intervals of 25 feet except that for slopes less than 40 feet in vertical height the terrace shall be approximately at mid-height. Suitable access shall be provided to permit cleaning and maintenance. The Director may modify this requirement because of geologic or other special conditions.

(iv) The border of all cut slopes shall be rounded off to a minimum radius of five feet to blend with the natural terrain.

(v) All cut slopes shall be within parcels under common ownership unless written permission is granted by the adjacent owner.

(2) **Fill standards.** All fills are to be conducted in compliance with the provisions of Section 3313 of the 1997 Uniform Building Code Appendix 33 and the following standards:

(i) No fill shall be made which creates any exposed surface steeper in slope than two horizontal to one vertical, except under one or more of the following conditions:

(a) A retaining wall or other approved support is provided to support the face of the fill which also mitigates visual impacts of the device.

(a) The Director may permit a fill to be made which creates an exposed surface steeper in slope than two horizontal to one vertical (2:1) if a geotechnical engineering report demonstrates that slope stability will be ensured. The geotechnical engineer shall certify that the strength characteristics of the material to be used in the fill are such as to produce a safe and stable slope and that the areas on which the fill is to be placed are suitable to support the fill. Additionally, a certified soil and erosion control specialist or other qualified professional shall indicate in writing that it is feasible to prevent erosion and sedimentation impacts, and successful revegetation of the site can be accomplished. All such reports are subject to the approval of the Director.

(ii) The Director may require that fill be constructed with an exposed surface flatter than two horizontal to one vertical (2:1) if a slope stability analysis or other appropriate method of review indicates that such flatter surface is necessary for stability, safety, or to prevent erosion and sedimentation impacts.

(iii) Unless specified as a non-structural land reclamation, erosion control, or agricultural fill, all fills shall be placed, compacted, inspected, and tested in compliance with the following provisions:

(a) The natural ground surface shall be prepared to receive fill by removing vegetation, non-complying fill, topsoil and other unsuitable materials. The surface shall be scarified to provide a bond with the new fill and where slopes are steeper than five horizontal to one vertical (5:1) and the height is greater than five feet, by benching into sound bedrock or other competent material as determined by the soils engineer. The bench under the toe of a fill on a slope steeper than five horizontal to one vertical (5:1) shall be at least 10 feet wide. The area beyond the toe of fill shall be sloped for sheet overflow or a paved drain shall be provided. When fill is to be placed over a cut, the bench under the toe of fill shall be at least 10 feet wide, but the cut shall be made before placing the fill. The soils engineer, engineering geologist, or both, shall certify that the bench is a suitable foundation for the proposed fill.

(b) Except as otherwise permitted by the Director, no rock or similar irreducible material with a maximum dimension greater than six inches shall be buried or placed in fills. No organic material shall be permitted in structural fills. The Director may permit placement of larger rock when the soils engineer properly devises a method of placement, continuously inspects its placement, and approves the fill stability. The following conditions shall also apply:

1. Prior to issuance of the grading permit, potential rock disposal areas shall be identified on the grading plan.

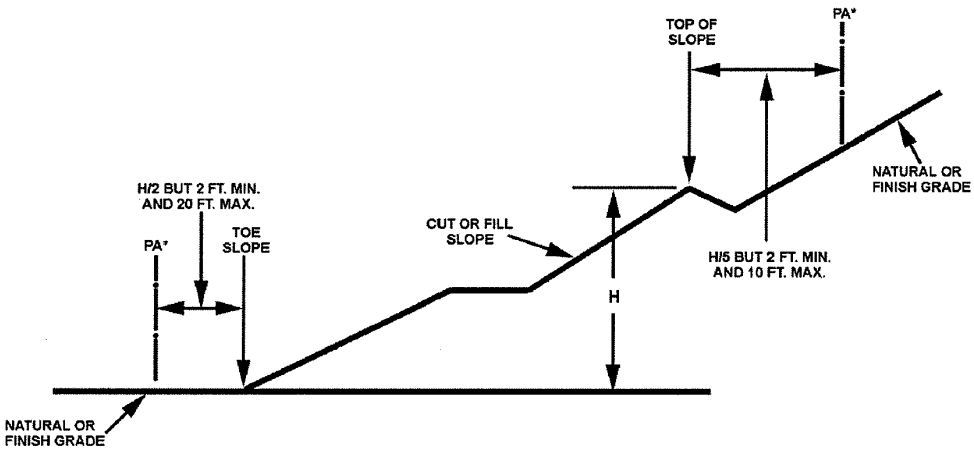
2. Rock sizes greater than six inches in maximum dimension shall be 10 feet or more below grade, measured vertically.

3. Rocks shall be placed so as to assure filling of all voids with well-graded soil.

(c) A fill shall be spread in a series of horizontal lifts as specified by the geotechnical engineer or other approved professional approved by the Director. The distribution of material throughout each layer shall be free of lenses, pockets or layers of material differing substantially in texture or gradation from the surrounding material. All material shall be compacted into a fill of uniform moisture and density as specified in Subsection a(2)(iii)(d).

(d) All fills shall be compacted to a minimum of 90 percent of maximum density as determined by ASTM D 1557-(latest edition) or other approved testing method giving equivalent test results. Field density shall be determined by ASTM D 1556-(latest edition) or other equivalent methods approved by the Director.

(e) A field density test, as herein provided, shall be taken for each 24 inches of fill, or portion thereof, measured vertically from the lowest point of the area to be filled, and for each 200 cubic yards of fill placed unless a variation is recommended by the Soils Engineer and approved by the Director. In addition, in the case of a subdivision, field density tests shall be taken on lots which receive fill based upon the recommendations of a soils engineer.



*** PA = Permit Area Boundary - Lot line(s) or permit area boundary if the permit area is smaller than the lot involved**

Figure 5-A

(f) All fills regulated by the Grading Ordinance shall be tested for relative compaction by a qualified geotechnical testing agency. Final reports, including a letter certifying compliance with the terms of the Grading Ordinance, and the grading permit, setting forth densities, relative compaction and other fill characteristics shall be prepared and signed by a geotechnical engineer or soils engineer. This report shall be submitted to and approved by the Director before any final approval of the fill is given and before any foundation construction begins except for the digging of trenches and placing of reinforcing steel.

(iv) Fills toeing out on natural slopes which are steeper than two horizontal to one vertical shall not be permitted unless evaluated and approved by a geotechnical engineer or engineering geologist.

(v) The border of fill slopes shall be rounded off to a minimum radius of five feet to blend with the natural terrain.

(3) **Grading setback standards.** Cut and fill slopes shall be set back from site boundaries in compliance with the provisions of Appendix Chapter 33 of the 1997 Uniform Building Code and the following standards:

(i) **General.** Setback dimensions shall be horizontal distances measured perpendicular to the site boundary. Setback dimensions shall be as shown in Figure 5-A.

(ii) **Top of cut slope.** The top of the cut slopes shall not be closer to a site boundary line than one fifth of the vertical height of cut with a minimum of two feet and a maximum of 10 feet. The setback may need to be increased for any required interceptor drains or maintenance easements. The Director may approve adjustments as a condition of the permit, as required by individual site conditions.

(iii) **Toe of fill slope.** The toe of fill slopes shall not be closer to the site boundary line than one-half the height of the slope with a minimum of two feet and a maximum of 20 feet. Where a fill slope is to be located near the site boundary and the adjacent off-site property is developed, or site conditions warrant, special precautions shall be incorporated in the work as the Director deems necessary to protect the adjoining property from damage as a result of such grading. These precautions shall include, but are not limited to the following:

(a) Additional setbacks.

(b) Provisions for retaining or slough walls.

(c) Mechanical or vegetative treatment of the fill slope to minimize erosion.

(d) Provisions for the control of surface waters.

(e) Provisions for maintenance access.

(iv) **Modification of slope location.** The Director may approve alternate setbacks. The Director may require an investigation and recommendation by a qualified engineer, engineering geologist, or erosion control specialist to demonstrate that the intent of this Section has been satisfied.

(v) **Distance from property line.** No cut or fill shall be made which is sufficiently close to the property line to endanger any adjoining public or private property or structures without supporting and protecting such property or structures from any settling, cracking, or other damage which might result.

(4) **Landform alterations within public view corridors.** Grading, vegetation removal, and other landform alterations shall be minimized on sites located within public view corridors. Where feasible, contours of finished grading are to blend with adjacent natural terrain to achieve a consistent grade and appearance.

(5) **Grading near watercourses.** Grading, dredging or diking shall not alter any intermittent or perennial stream, or natural body of water, except as permitted through approval of a County drainage plan and a streambed alteration permit from the California Department of Fish and Game issued under Sections 1601 or 1602 of the Fish and Game Code. Watercourses shall be protected as follows:

(i) Watercourses shall not be obstructed unless an alternate drainage facility is approved.

(ii) Fills placed within watercourses shall have suitable protection against erosion during flooding.

(iii) Grading equipment shall not cross or disturb channels containing live streams without siltation control measures approved by the Public Works Director in place.

(iv) Excavated materials shall not be deposited or stored in or alongside a watercourse where the materials can be washed away by high water or stormwater runoff.

b. **Drainage standards.** Designs for site area drainage and terraces shall be consistent with the Low Impact Development (LID) Handbook and the following minimum standards:

(1) **Design and construction.** Drainage systems and facilities subject to drainage plan review and approval that are to be located in existing or future public rights-of-way are to be designed and constructed as set forth in the latest edition of the Public Works Department's Public Improvement Standards, or as per the project's conditions of approval. Applicants may request an adjustment pursuant to the Public Improvement Standards in order to allow for a design that is more compliant with LID practices. Other systems and facilities subject to drainage plan review and approval are to be designed in accordance with good engineering practices. The design of drainage facilities in new land divisions and other new development subject to Minor Use Permit or Development Plan approval shall maximize groundwater recharge through on-site or communitywide stormwater infiltration measures. Examples of such measures include constructed wetlands, vegetated swales or filter strips, small percolation ponds, subsurface infiltration basins, infiltration wells, and recharge basins. Where possible, recharge basins shall be designed to be available for recreational use.

(2) **Natural channels and runoff.** Proposed projects are to include design provisions to retain natural drainage patterns and, when required, limit peak runoff to pre-development levels. To the maximum extent feasible, all drainage courses shall be retained in, or enhanced to appear in, a natural condition, without channelization for flood control. On downhill sites, encourage drainage easements on lower properties so that drainage can be released on the street or other appropriate land area below.

(3) **Best Management Practices (BMPs).** All new development subject to drainage plan review shall use BMPs to address polluted runoff. BMPs shall be consistent with the guidance found in documents such as the LID Handbook. Such measures shall include, but not be limited to: minimizing the use of impervious surfaces (e.g., installing pervious driveways and walkways); directing runoff from roofs and drives to vegetative strips before it leaves the site; and/or managing runoff on the site (e.g., percolation basins); and other Low Impact Design (LID) techniques. The installation of vegetated roadside drainage swales shall

be encouraged and, if used, calculated into BMP requirements. The combined set of BMPs shall be designed to treat and infiltrate stormwater runoff up to and including the 85th percentile storm event. The BMPs shall include measures to minimize post-development loadings of total suspended solids.

(4) **Runoff volume.** Runoff conveyance systems shall be capable of carrying the computed runoff volume from a 25-year frequency storm or greater if deemed necessary by the Public Works Director. This may be reduced to a 10-year storm for small watersheds.

(5) **Interceptors.** Concrete ditches, bio-swales or other approved methods capable of intercepting surface runoff waters shall be installed along the top of all cut slopes where the tributary drainage area has a slope 10 percent or greater and a horizontal projection greater than 40 feet.

(6) **Berms.** Berms or drainage divides at least one foot high and three feet wide at the base shall be constructed at the top of all fill slopes where runoff would be directed towards the top of fill.

(7) **Over side drains.** Over side drains shall be of concrete or corrugated metal pipe having a diameter required by runoff calculations, but not less than eight inches, and shall be aligned so as to minimize velocity at discharge points. Alternate designs, such as LID methods, approved by the Public Works Director may be permitted.

(8) **Inlets.** Inlets shall be constructed of galvanized iron, or approved equivalent, and shall be provided with overflow structures.

(9) **Outlets.** Outlet structures shall be provided with approved velocity reducers, diversion walls, rip-rap, concrete aprons or similar energy dissipaters where necessary and aligned to minimize downstream erosion and reasonably maximize recharge at discharge points, and shall be approved by the Public Works Director.

(10) **Dispersal structures.** An approved drainage dispersal structure shall be constructed wherever it is necessary to convert channel flow to sheet flow.

(11) **Sensitive habitat and groundwater protection.** Runoff from roads and development shall not adversely affect sensitive habitat, groundwater resources and downstream areas, and shall be treated to remove floatable trash, heavy metals and chemical pollutants as necessary prior to discharge into surface or groundwater.

(12) **Groundwater recharge methods.** New development shall identify all methods to enhance groundwater recharge.

(13) **Impervious surfaces.** New development shall be designed to minimize the amount of impervious surfaces in order to maximize the amount of on-site infiltration.

(14) **Rain gutters.** Approved rain gutters shall be provided to receive all roof water and dispose of the water in a groundwater enhancing and non-eroding manner where the Director determines it to be necessary because of steepness of slope or presence of erodible materials. Direct connection of rain gutter outlets to impervious surfaces shall be minimized.

(15) **Building site drainage.** All graded building pads shall slope a minimum of five percent for ten feet to an approved drainage device, or as approved by the Director. The drainage device shall be an approved system which conducts the water to a street, recharge area or drainage way. The top of footing stems or finish floor, if a concrete slab, shall extend above the top of street curb or inlet to the drainage device by a minimum of six inches plus two per cent of the distance from the footing to the drainage device or curb. The Director may allow two percent to be used, if, because of terrain or soils, five percent is not reasonably attainable or necessary.

(16) **Capacity of drainage devices.** On graded sites, the Director may require that drainage devices calculated to convey runoff from a 25-year frequency storm or greater be installed, if deemed necessary to prevent erosion, to conduct stormwater around buildings or structures and to the nearest recharge area, drainage way, or as approved by the Public Works Director.

(17) **Appearance of drainage or recharge devices.** Where drainage devices are highly visible from the street or located in the public viewshed, they shall be shielded from view, if practical. Where visible, drainage devices shall be compatible with the character of the area and the existing topography. Exposed concrete overside drains are prohibited within these situations unless a visual analysis indicates the prohibition to be unnecessary. If they are visible, the size shall be the minimum necessary to handle drainage and ensure ability to maintain all drainage devices which collect from the slopes, and shall convey drainage by means of underground pipes or rock-lined ditches or other approved materials to blend with the natural topography in character, color and design. Transitions from natural drainage courses to developed areas shall be accomplished with comparable landscaping and grading to blend with existing topography. Detention, retention, or recharge basins shall be designed as a visual and/or recreational amenity within a project whenever practical.

(18) **Areas subject to flooding.** Buildings or structures are not permitted in an area determined by the Public Works Director to be subject to flood hazard by inundation, overflow, high velocity flows or erosion, except where the buildings or structures comply with the standards in Sections 23.07.060 et seq., and provisions are made to eliminate identified hazards to the satisfaction of the Public Works Director. These provisions may include providing adequate drainage facilities, protective walls, suitable fill, raising the floor level of the building or structure, or other means. The building and other structures (including walls and fences) shall be placed on the site so that water or mud flow will not be a hazard to on- or off-site structures or adjacent property. In the application of this standard, the Public Works Director shall enforce as a minimum the current federal flood plain management regulations as defined in the National Flood Insurance Program authorized by United States Code Title 42, Section 4001-4128 and contained in Title 44 of the Code of Federal Regulations, Part 59 et seq., which are hereby adopted and incorporated into this Title by reference as though they were fully set forth here.

(19) **Design of flood proofing measures.** Flood proofing measures required by the Public Works Director shall be designed by a licensed architect or registered civil engineer.

(20) **Sub-drains.** The Director may require the installation of approved sub-drains in areas where underground water is anticipated.

(21) **Runoff computations.** Runoff computations may be made by the "rational method" except where specific methods for calculating individual residential retention basins have been adopted or with the approval of the Public Works Director.

(22) **Alternate designs.** Alternate designs which provide equivalent safety and are approved by the Public Works Director may be used in lieu of those contained in this Section.

(23) **Hydromodification control.** If the Director or Public Works Director has determined that the project could cause off-site erosion or adverse impacts to beneficial uses as a result of an increase in runoff rates and/or duration, the project shall incorporate site design Best Management Practices (BMPs) and, if necessary, structural and/or treatment control BMPs in order to match estimated post-development discharge rates as closely as possible to the estimated pre-development discharge rates..

(24) **Development adjacent to coastal bluffs.** Stormwater outfalls that discharge to the bluff, beach, intertidal area, or marine environment are prohibited unless it has been demonstrated that it is not feasible to detain the stormwater on-site, or direct the stormwater to pervious land areas or the street, without causing flooding or erosion. In such instances, stormwater outfalls shall include filtration and treatment systems necessary to protect coastal water quality, be screened from public view using underground pipes and/or native vegetation screening of local stock, and receive all applicable agency approvals. Consolidation of existing outfalls shall be pursued where feasible. The drainage plan shall incorporate all reasonable measures to minimize increased erosion to the coastal bluff as a result of development.

c. **Erosion and sedimentation control standards.** When required by Section 23.05.042 or elsewhere in this Title, erosion and sedimentation control plans, and implementation thereof, shall comply with the following standards:

(1) Exposed man-made slopes shall be planted in permanent native vegetation to prevent erosion unless determined by the Director to be unnecessary.

(2) Grading limits shall be staked out as shown on the approved plans before site disturbance begins. All land disturbance shall be restricted to this area.

(3) All cuts, fills, and disturbed areas shall be planted, mulched and maintained, or otherwise protected from the effects of stormwater runoff and wind erosion. Permanent or temporary soil stabilization must be applied to denuded areas within 15 days after final grade is reached on any portion of the site. Denuded areas which may not be at final grade but which will remain undisturbed for longer than 60 days shall also be stabilized within 15 days. All mulching shall provide the same protection as that resulting from the application of two tons of straw mulch per one acre of surface area. All disturbed or denuded area created during the period between October 15 and April 15 of the following year shall be mulched or equally protected before quitting time each day.

(4) All permanent slopes over three feet high shall be permanently revegetated with native plants to achieve a minimum of 70 percent coverage at 24 months. All slopes shall be maintained to assure the success of the plant material and the maintenance of the slope.

(5) A minimum of one (1) one-gallon shrub shall be planted per 100 square feet of slope area where shrubs are appropriate to the area unless equivalent alternate measures are approved by the Director. Plant material must be selected to achieve 100 percent coverage of slope at maturity.

(6) One (1) one-gallon tree shall be planted for every 500 square feet of slope area where appropriate to the area unless equivalent alternative measures are approved by the Director.

(7) Temporary or permanent irrigation shall be provided to assure the successful establishment of the plant material.

(8) Grading for agricultural practices to prepare a field or crop or range improvement practices shall be protected by recognized agricultural erosion and sedimentation control methods, such as those found in the Natural Resources Conservation Service (NRCS) Field Office Technical Guide (FOTG).

(9) Grading permits may be conditioned to provide landscape and maintenance security.

(10) Sediment basins shall be designed to trap and store all sediment particles larger than those passing a #200 testing sieve, from the peak discharge of a 25-year frequency storm.

(11) Runoff shall enter and exit a basin through protected inlets and outlets as approved by the Director.

(12) Sediment removal scheduling and sediment dispersal shall be included with the erosion and sedimentation control plan, subject to approval by the Director.

(13) Temporary drainage control measures during construction shall avoid concentration of flow which may cause or exacerbate erosion and sedimentation.

(15) Topsoil removed from the surface in preparation for grading and construction is to be stored on or near the site and protected from erosion while grading operations are underway, provided that such storage may not be located where it would cause suffocation of root systems of trees intended to be preserved or near a watercourse where sedimentation may occur. After completion of such grading, topsoil is to be restored to exposed cut and fill embankments or building pads to provide a suitable base for seeding and planting.

(16) Native plant materials are required, in order to reduce irrigation demands. Where riparian vegetation has been removed, riparian plant species shall be used for revegetation.

d. Stormwater pollution prevention standards. Projects requiring a SWPPP pursuant to Section 23.05.044 shall comply with the standards outlined in SWRCB General Construction Permit Number CAS000002, or any subsequent General Construction Permits that amend or replace Permit CAS000002. These standards include, but are not limited to, the following:

(1) Discharge prohibitions.

(i) Approval of a grading plan, stormwater pollution prevention plan, erosion and sedimentation control plan, or drainage plan does not constitute an exemption to applicable discharge prohibitions prescribed in the Central Coast Basin Plan.

(ii) Discharges of material other than stormwater (which are not otherwise authorized by an NPDES permit) to a separate storm sewer system (MS4) or waters of the nation are prohibited, except as allowed in Subsection 23.05.044.f(v).

(iii) Stormwater discharges shall not cause or threaten to cause pollution, contamination, or nuisance.

(iv) Stormwater discharges regulated by the General Construction Permit shall not contain a hazardous substance equal to or in excess of a reportable quantity listed in Title 40 of the Code of Federal Regulations, Part 117 and/or Title 40 of the Code of Federal Regulations, Part 302.

(2) Receiving water limitations.

(i) Stormwater discharges and authorized non-stormwater discharges to any surface or ground water shall not adversely impact human health or the environment.

(ii) The SWPPP developed for the construction activity shall be designed and implemented such that stormwater discharges and authorized non-stormwater discharges shall not cause or contribute to an exceedance of any applicable water quality standards contained in a Statewide Water Quality Control Plan and/or the Central Coast Regional Water Quality Control Board's Basin Plan.

(iii) Should it be determined by the permit holder, County, State Water Resources Control Board (SWRCB), or Regional Water Quality Control Board (RWQCB) that stormwater discharges and/or authorized non-stormwater discharges are causing or contributing to an exceedance of an applicable water quality standard, the permit holder shall:

(a) Implement corrective measures immediately following discovery that water quality standards were exceeded, followed by notification to the County and RWQCB by telephone as soon as possible but no later than 48 hours after the discharge has been discovered. This notification shall be followed by a

report within 14-calendar days to the County and Central Coast Regional Water Quality Control Board, unless otherwise directed by the County and/or RWQCB, describing the following:

1. the nature and cause of the water quality standard exceedance;

2. the BMPs currently being implemented;

3. any additional BMPs which will be implemented to prevent or reduce pollutants that are causing or contributing to the exceedance of water quality standards;

4. any maintenance or repair of BMPs; and

5. an implementation schedule for corrective actions that describes the actions taken to eliminate or reduce the pollutants causing or contributing to the exceedance.

(b) Revise the SWPPP and monitoring program immediately after the report to the County and RWQCB to incorporate the additional BMPs that have been and will be implemented, the implementation schedule, and any additional monitoring needed.

(c) Nothing in this section shall prevent the County and/or the Central Coast RWQCB from enforcing any stormwater discharge regulations while the permit holder prepares and implements the above report.

(3) **Anticipated noncompliance.** The permit holder shall give advance notice to the County and RWQCB of any planned changes in the construction activity which may result in noncompliance with General Construction Permit or County Code requirements.

e. **Groundwater recharge standards.** Groundwater recharge measures shall be required as part of any land use permit processed pursuant to Chapter 23.02. Plan contents and standards shall be as specified in Section 23.05.038 and as listed below. Stormwater impoundment areas shall:

(1) Be located to use the most permeable soils on the project site, where practical.

(2) Be sufficiently shallow or properly shielded so that they do not pose a safety hazard.

(3) Drain fast enough or be designed so that ponded water does not become a vector habitat (mosquito pond).

f. Pond, reservoir, and dam standards.

Note: All surface stream water impoundments require approval of an application to appropriate water from the California State Water Resources Control Board, Division of Water Rights.

(1) Location. The proposed site of the pond, reservoir or dam shall not be:

(i) Identified on any U.S. Geological Survey map as a lake, marsh, or solid or broken "blue line" stream unless the project has been reviewed subject to CEQA and determined not to contain significant adverse impacts to the aquatic or riparian resources.

(ii) In a location identified on any published geologic or soils maps on soils prone to slip or slide.

(2) Required reports. The Director, in granting a permit for construction, may require supporting geological and geotechnical engineering reports as deemed necessary for the safe design and construction of such facility. A report from a civil engineer certifying that construction of the facility has been completed in conformity with the approved plans and specifications and the Grading Ordinance may be required.

23.05.050 - Construction Procedures

a. Modifications to approved plans. No work based upon any modifications to the approved plans shall proceed unless and until such modifications have been approved by the Building Official, and where applicable, the County Public Works Department, and any necessary permits or permit amendments have been obtained. The proposed change shall not result in greater environmental impacts than those considered in the approved environmental document.

b. Grading hours – Limitations. No grading work (except for agricultural exemptions and emergency operations specified in Section 23.05.032.c and 23.05.036.c(2), respectively), which requires a grading permit under the provisions of the Grading Ordinance shall take place between the hours of 7:00 p.m. and 7:00 a.m. weekdays and between the hours of 5:00 p.m. and 8:00 a.m. on the weekends, unless the Building Official or approved conditions of a land use permit finds that such operation is not likely to cause a significant public nuisance and authorizes expanded or night operations in writing. Hours of operation on the weekends may be further regulated by conditions of the grading permit.

c. Air quality controls.

(1) Fugitive dust control. All surfaces and materials shall be managed to ensure that fugitive dust emissions are adequately controlled to below the 20% opacity limit, identified in the APCD's 401 "Visible Emissions" rule and to ensure that dust is not emitted offsite. This applies to surfaces that will be graded, that are currently being graded, or that have been

graded; and to all materials, whether filled, excavated, transported or stockpiled. The following fugitive dust control measures are required, unless alternative measures have been approved by the Air Pollution Control District (APCD):

(i) **Primary measures.** All projects involving grading or site disturbance shall implement the following mitigation measures to minimize nuisance impacts and to significantly reduce fugitive dust emissions:

(a) Reduce the amount of the disturbed area where possible;

(b) Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency shall be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water shall be used whenever possible;

(c) All dirt stock-pile areas shall be sprayed daily as needed; and

(d) All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible, and building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.

(ii) **Expanded measures.** Projects with site disturbance that exceeds four acres or are within 1,000 feet of any sensitive receptor shall implement the following mitigation measures to minimize nuisance impacts and to significantly reduce fugitive dust emissions:

(a) All measures identified in Subsection c(1)(i);

(b) Permanent dust control measures identified in the approved project plans shall be implemented as soon as possible following completion of any soil disturbing activities;

(c) Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast germinating native grass seed and watered until vegetation is established;

(d) All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;

(e) Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;

(f) All trucks hauling dirt, sand, soil, or other loose materials are to be covered or shall maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with California Vehicle Code Section 23114;

(g) Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site; and

(h) Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water shall be used where feasible.

(iii) **Measures to be shown on plans.** All of these fugitive dust mitigation measures shall be shown on grading and building plans.

(iv) **Designated monitor.** The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress.

Note: Sensitive receptors include schools, parks and playgrounds, day care centers, nursing homes, hospitals, and residences.

(2) **Exportation and importation of material.** For projects which involve the cumulative importation or exportation of 2,000 cubic yards or more of soil to a non-adjacent site, the Director may impose one or more of the following conditions:

(i) Limiting the distance between the project site and the source/destination site.

(ii) Requiring that export/import be phased over a specified amount of time.

(iii) Scheduling truck trips during non-peak hours to reduce peak hour emissions.

(iv) Limiting the length of the workday.

(v) Applying trucking equipment emission reduction measures as approved by the Air Pollution Control District.

(3) **Naturally Occurring Asbestos (NOA).** Grading work shall comply with California Air Resources Board Asbestos Air Toxics Control Measure (ATCM) for construction and grading. Prior to any grading activities in NOA candidate areas, the project proponent shall ensure that a geologic evaluation is conducted to determine if NOA is present within the area that will be disturbed. If NOA is not present, an exemption request must be filed with

the Air Pollution Control District. If NOA is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM. This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD.

d. Off-site effects. Grading operations shall be conducted to prevent damaging effects of erosion, sediment production and dust on the site and on adjoining properties and roadways.

e. Hydrocarbon contaminated soil.

(1) Encountered during grading activities. Should hydrocarbon contaminated soil be encountered during construction activities, the Air Pollution Control District (APCD) must be notified as soon as possible and no later than forty-eight (48) hours after affected material is discovered to determine if an APCD Permit will be required. In addition, the following measures shall be implemented immediately after contaminated soil is discovered:

(i) Covers on storage piles shall be maintained in place at all times in areas not actively involved in soil addition or removal;

(ii) Contaminated soil shall be covered with at least six inches of packed uncontaminated soil or other Total Petroleum Hydrocarbon (TPH) non-permeable barrier such as plastic tarp. No headspace shall be allowed where vapors could accumulate;

(iii) Covered piles shall be designed in such a way to eliminate erosion due to wind or water. No openings in the covers are permitted;

(iv) During soil excavation, odors shall not be evident to such a degree as to cause a public nuisance; and

(v) Clean soil must be segregated from contaminated soil.

(2) Anticipated to be present prior to grading activities. An APCD permit to address proper management of anticipated hydrocarbon contaminated soil is required prior to the start of any grading activity or earthwork. This permit shall include conditions to minimize emissions from any excavation, disposal or related process. The applicant is responsible to contact APCD within 120 days prior to the start of any grading activity/earthwork to begin the permitting process.

f. Responsibility of permit holder.

(1) The permit holder shall be responsible for the work to be performed in accordance with the approved plans and specifications and in conformance with the provisions of this code. The permit holder shall engage the project consultants, as needed, to provide professional inspections on a timely basis. The permit holder shall act as a coordinator between the project consultants, the contractor, and the Building Official. In the event of changed conditions, the permit holder shall be responsible to inform the Building Official of such changes and shall provide revised plans for approval.

(2) The permit holder and/or agents shall maintain all required protective devices, sedimentation and erosion control devices, stormwater BMPs, and temporary drainage facilities during the progress of the grading work. The permit holder shall also be responsible for observance of working hours, dust controls and methods of hauling. The permit holder and/or agents shall be responsible for maintenance of the site until final inspection. The permit holder and/or agents shall become subject to the penalties set forth herein in the event of failure to comply with the Grading Ordinance and other applicable laws of the County. No approval shall exonerate the permit holder and/or agents from the responsibility of complying with the provisions and intent of the Grading Ordinance.

(3) During grading operations the permit holder shall be responsible for the prevention of damage to any roadways, public improvements, utilities or services. This responsibility applies within the limits of grading and along any equipment travel routes.

(4) Notwithstanding the minimum standards set forth in the Grading Ordinance, Title 19 of the County Code, and 1997 Uniform Building Code Appendix Chapter 33, the permit holder is responsible for the prevention of damage to adjacent property, and no person shall excavate on land so close to the property line as to endanger any adjoining public street, sidewalk, alley, structure, trees, vegetation, or any other public or private property without supporting and protecting such property from settling, cracking, or other damage which might result.

23.05.052 - Inspections

All construction and other work for which a permit is required shall be subject to either periodic or continuous inspections by authorized employees of the Planning and Building Department to assure compliance with the approved plans. Inspectors shall approve that portion of the work completed or shall notify the permit holder where the work fails to comply with the approved plans.

Where the Building Official determines it to be necessary to protect the public safety because of the nature and type of material involved, the type of work proposed or the purpose of the work, the work shall have either continuous or periodic inspections and supervision by one or more of the following as a condition of issuance of the grading permit:

(1) civil engineer;

(2) geotechnical engineer;
(3) engineering geologist; or
(4) responsible designee.

Prior to final approval of grading work under any type of permit, a final inspection shall be made of all construction or work for which a permit has been issued. Final inspection, as required in the Grading Ordinance, shall be made by an employee of the Planning and Building Department.

Approved plans for grading, vegetation removal work, and erosion and sedimentation control (or SWPPP if required) bearing the stamp of the County of San Luis Obispo Department of Planning and Building shall be maintained at the site during the progress of the work.

In the absence of specific work site designation upon which grading is to be performed, the Building Official may require the site be surveyed and staked by a civil engineer or land surveyor licensed by the State of California, so that the proper location of the work on the lot may be determined.

a. **Required Inspections.** Inspections for a grading permit shall be made as provided herein and work shall not continue until approval to proceed has been granted following the requested inspection. The permit holder shall be responsible for requesting inspection by the Planning and Building Department as follows:

(1) **Site check.** Prior to permit approval and plan checking.

(2) **Pre-construction meeting.** At the Building Official's discretion, a pre-construction meeting may be required due to site characteristics, required mitigation measures, or complexity of the proposal. Qualified professionals may need to be in attendance.

(3) **Pre-construction stormwater inspection.** When the permit holder is ready to begin work, but before any grading or vegetation removal has occurred, inspect and review erosion and sedimentation control BMPs with permit holder. Subsequent site inspections may be conducted at any time during the life of the project to determine compliance with the erosion and sedimentation control plan and/or stormwater pollution prevention plan.

(4) **Toe inspection.** After the natural ground is exposed and prepared to receive fill, but before any fill is placed, review erosion and sedimentation control BMPs with permit holder.

(5) **Excavation inspection.** After the excavation is started, but before the vertical depth of the excavation exceeds ten feet.

(6) **Fill inspection.** After the placement of fill is started, but before the vertical height of the fill exceeds ten feet, and at two foot vertical increments thereafter unless waived by the Building Official. In addition, the fill must be inspected by a qualified lab requiring testing for each two feet of fill, or as defined in the soils report.

(7) **Key and bench inspection.** After keys and benches are excavated, but before fill is placed.

(8) **Rough grade inspection.** When all rough grading has been completed, including terraces, swales, and other drainage devices.

(9) **Drainage and/or groundwater recharge device inspection.** After forms and pipe are in place, but before any gravel or concrete is placed, inspect erosion and sedimentation control BMPs.

(10) **Post-construction stormwater inspection.** When all work has been completed, all disturbed areas of the construction site have been stabilized, and all long-term (permanent) stormwater pollution prevention and erosion and sedimentation control measures have been installed. Consistent with the General Construction Permit Notice of Termination (NOT) requirements (where applicable), in order for the post-construction stormwater inspection to be approved, all soil disturbing activities shall have been completed and one of the following shall have been met:

(i) A uniform vegetative cover of 70 percent coverage has been established. In arid areas where native vegetation covers less than 100 percent of the surface, the 70 percent coverage criterion shall be proportionally adjusted (i.e. where native vegetation covers 50 percent: 0.50 x 0.70 = 0.35 – 35 percent); or

(ii) Equivalent stabilization measures have been employed (e.g. fiber blankets, channel liners, mulch, etc.).

(11) **Final inspection.** When all work, including installation of drainage structures, other protective devices, planting and slope stabilization has been completed and the required reports have been submitted to the Building Official and accepted as complete.

(12) **Other inspections.** In addition to the inspections above, such other inspections of any work to ascertain compliance with the provisions of the Grading Ordinance and other laws and regulations as may be required by the Building Official including requirements of the NPDES permit of the County of San Luis Obispo for its stormwater discharges. A licensed landscape architect, qualified biologist, archeologist, agricultural advisor, or other qualified professional may be required to be present during inspections.

(13) **Rainy season inspection.** During the rainy season (between October 15 and April 15), inspections shall be conducted to verify compliance with required BMPs based on potential for threat to water quality, as determined by the Building Official. Criteria to be considered include area of disturbance, earthwork quantities, and proximity to watercourses. Based on this assessment, a threat priority will be assigned an inspections shall occur as follows:

Construction Site Priority	Low	Medium	High
Frequency of Inspection	Once or twice during the rainy season	Twice or more during the rainy season	Once per week

b. **Exposure of work.** Whenever any work for which inspections are required is covered or concealed by other work without having been inspected, the Building Official may require that such work be exposed for examination.

c. **Post construction and other inspections.**

(1) Best Management Practices (BMPs). Inspectors of the Planning and Building Department may inspect for adequate installation and functionality of BMPs prescribed by the erosion and sedimentation control plan or SWPPP at any time throughout the year. County inspectors may identify maintenance and repair needs on the site with the permit holder, or permit holder's agent, to ensure compliance with the minimum requirements of BMPs.

(2) Corrective action. If the Building Official determines by inspection that grading as authorized is likely to endanger public health, safety or welfare in the deposition of debris on any public street, or interfere with any existing drainage course, the Building Official may require that reasonable safety precautions be taken to remove such likelihood of danger. Written notice to comply shall be provided to the permit holder allowing no more than ten days for corrections to begin unless an imminent hazard to the public health, safety or welfare exists, in which case the corrective work shall begin immediately.

d. **Special Reports.** Periodic reports by a geotechnical engineer, an engineering geologist, or other qualified professional, certifying the compaction or acceptability of all fills may be required. These shall include, but not be limited to, inspection of cleared areas and benches prepared to receive fill and removal of all unsuitable materials, the bearing capacity of the fill to support structures, the placement and compaction of fill materials, and the inspection of buttress fills, subterranean drains, cut slopes and similar devices.

e. **Inspection by Others.**

(1) Where the nature of the project, type of soils, geologic conditions or drainage dictate that special engineering, geotechnical engineering, or geological inspections are necessary to

prevent danger to public health, safety or welfare, the Building Official may require the permit holder to retain one or more of the following:

(i) A civil engineer: to supervise and coordinate all field surveys and the setting of grade stakes in conformity with the plans, to check elevation of grades, inclination of slopes, installation of drainage structures and other matters related to the geometric design of the work, including the design of revised or modified plans, if necessary.

(ii) A geotechnical engineer: to provide either periodic or continuous inspection of all soils work, including grading and compaction.

(iii) An engineering geologist: to provide geological inspections.

(iv) Resource Conservation District: to provide inspections related to drainage and soil erosion prevention.

(2) On work requiring the continuous supervision and inspection of a civil engineer or geotechnical engineer, required inspections may be delegated to the civil engineer or geotechnical engineer by the Building Official. At the time of checking the plans, the Building Official shall indicate on each application for a grading permit the types of inspection, if any, to be made by the civil engineer or geotechnical engineer.

(3) If the civil engineer or geotechnical engineer or geologist finds that the work is not being performed in substantial conformity with the Grading Ordinance, or the plans and specifications, the engineer shall issue a notice to the persons in charge of the grading work and to the Building Official.

(4) APCD or state compliance staff may inspect the project site to ensure that grading activities are in compliance with the California Air Resources Board Asbestos Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations and the National Emission Standard for Hazardous Air Pollutants.

f. Inspection process.

(1) Grading shall not be commenced until the permit holder or agent has posted an inspection record card in a conspicuous place on the site to allow the inspector to make the required entries thereon regarding inspection of the work. This card shall be maintained and available on the site by the permit holder until final approval.

(2) The permit holder, agent, or contractor shall have an approved set of grading, drainage and erosion and sedimentation control plans, and stormwater pollution prevention plan (if required), on the site and available at all times while work is in progress until final approval. The plans and specifications shall also include any mitigation measures approved by the Environmental Coordinator.

(3) In the absence of a specific work site designation, the Building Official may require the site to be surveyed and staked by a civil engineer or land surveyor licensed by the State of California so that the proper location of the work on the lot or parcel may be determined.

(4) Inspections for a grading permit shall be made as provided herein and work shall not continue until approval to proceed has been granted, following inspection. The permit holder shall be responsible for notifying the Department of Planning and Building at least 24 hours prior to the time when an inspection is necessary.

(5) Where the nature of the project, type of soils, geologic condition, drainage, or weather conditions dictate that special engineering, geotechnical engineering, geological, or erosion and sedimentation or asbestos control inspections are necessary to prevent danger to public health, safety or welfare, the Building Official may require the permit holder to retain a licensed professional qualified to perform the following:

(i) Supervise and coordinate all field surveys and the setting of grade stakes in conformity with the plans; to check elevations or grades; inclination of slopes; elevation and grades of drainage structures and other matters related to the geometric design of the work, including the design of revised or modified plans and "as-graded" plans, if necessary.

(ii) Provide either periodic or continuous inspection of soils work, including grading and compaction.

(iii) Provide geological inspections.

(iv) Inspect all erosion and sedimentation runoff control measures and revegetation practices applied to the site.

(6) Where the nature of the project dictates that special environmental monitors be required, the environmental review process and mitigation measures shall establish the manner and timeframe in which this review shall occur. In these instances, the Director may require the permit holder to retain a qualified professional to perform the work identified from these measures.

(7) If the civil engineer, geotechnical engineer, geologist, or sediment and erosion control specialist find that the work is not being performed in substantial conformity with the Grading Ordinance or the approved plans and specifications, notice shall be given to the person in charge of the grading work and to the Building Official. No work shall proceed unless and until the issuance of such written notice from the Building Official that work may proceed.

(8) If the Director or Building Official determines by inspection that grading as authorized is likely to endanger sensitive resources, public health, safety, or welfare in the deposition of debris on any public or private property, or interfere with any existing drainage course, the Director or Building Official shall require that effective precautions be taken to remove such likelihood or danger. Written notice to comply shall be given to the permit holder allowing no more than 10 days for corrections to begin unless an imminent hazard to sensitive resources or the public health, safety or welfare exists, in which case the corrective work shall begin immediately.

(9) Final inspection, as required in the Grading Ordinance, shall be made to the satisfaction of the Building Official.

g. **Testing.** The Director may also require that the applicant pay for testing to be performed by an independent, approved testing laboratory and that the civil engineer issue an opinion to ensure compliance with this ordinance, permit conditions, and/or accordance with the provisions of Title 19 of the County Code and Appendix Chapter 33, 1997 Uniform Building Code. The Building Official shall inspect or provide for adequate inspection of the project by appropriate professionals at the various stages of work and at any more frequent intervals necessary to determine that adequate control is being exercised by the professional consultants.

h. **Reports required.** The registered design professional shall provide a summary of the reports required, including special inspections, as set forth in the California Building Code, observe and testing program, and frequency of progress reports, where applicable.

i. **Transfer of responsibility.** Where the soils or other conditions are not as stated on the permit, or where the services of the engineer approved to supervise or inspect grading work have been terminated, work shall not commence again until a civil engineer, geotechnical engineer or engineering geologist certifies in writing to the Director or the Building Official that:

(1) all phases of the project have been reviewed;
(2) the engineer is thoroughly familiar with the proposed work; and
(3) the work already completed is approved or responsibility for making the necessary improvements thereto will be assigned to the engineer.

Upon receipt of this notice, the Director or Building Official shall immediately give written notice that work may proceed. No work shall proceed unless and until the issuance of such written notice that work may proceed has been issued.

j. **Final Reports.** Upon completion of the work, the Building Official may require the following reports and drawings:

(1) An as-graded plan prepared by the civil engineer of record, including original ground surface elevations, as-graded ground surface elevations, lot drainage patterns and locations and elevations of all surface and subsurface drainage facilities. Certification by the civil engineer

of record shall be provided that all grades, lot drainage, and drainage facilities have been completed in conformity with the approved plans.

(2) A geotechnical engineering report prepared by a geotechnical engineer that includes, but is not limited to, locations and elevations of field density tests and other substantiating data, certification of soil capacity, and compaction summaries of field and laboratory tests, location of tests, and showing limits of compacted fill on a grading plan. This certification shall include specific approval of the grading as affected by soils on the site.

(3) An engineering geology report based on the grading plan prepared by an engineering geologist, that includes, but is not limited to a final description of the geology of the site including any new information disclosed during the grading and specific approval of the grading as affected by geological facts. Where necessary, a revised geologic map and cross-sections and any recommendations necessary shall be included.

(4) An erosion and sedimentation control report prepared by the certified sediment and erosion control specialist or other qualified, approved professional. This report shall include a final description of the erosion, sediment revegetation and runoff control practices applied on the site. Any new information disclosed during site development and the effect of same on recommendations incorporated in the approved grading plan shall also be provided. Any required changes shall be noted. The designated specialist shall provide a statement that, to the best of their knowledge, the work within their area of responsibility is in compliance with the approved erosion and sedimentation control plan and applicable provisions of the Uniform Building Code and the Grading Ordinance.

(5) The grading contractor shall submit in a form prescribed by the Director and a statement of conformance to all as-graded plans and specifications.

23.05.054 - Request for Relief from Ordinance Provisions and Standards

a. A request for relief from the provisions of the Grading Ordinance, grading permit conditions of approval, or plan specifications, may be approved, conditionally approved, or denied by the Director. A request for relief must state in writing the provision that is proposed to be varied, the proposed substitute provision, when it would apply, and its advantages. The following findings shall be required to approve or conditionally approve a request for relief:

(1) There are special individual circumstances or conditions affecting the property that make the strict letter of this ordinance impractical; and

(2) No relief shall be granted unless the relief requested is consistent with the purpose and intent of the Grading Ordinance and does not diminish the health and safety benefits that would be obtained in the absence of a grant of relief.

b. The Director may require additional information from professional engineering, engineering geology or geotechnical engineering or erosion control specialists' opinions which are necessary to evaluate the requested relief.

c. As contemplated in this Section, the Director may grant alternative methods of construction or modifications for projects which could be constructed under the basic standard established in the Grading Ordinance, but which if relief is granted, can be better or equal to and more economically designed and constructed than if relief were not given. Relief shall not be granted if it would have the effect of allowing the construction of a project which would not be possible under the provisions of this Code without the relief.

23.05.056 - Enforcement and Interpretation

a. Stop Work Order.

(1) Whenever any grading, construction or earthwork is being done contrary to the provisions of any approval or of any rule, regulation, law or ordinance, or whenever approval was based upon purposeful misinformation or misrepresentation, or whenever the public health, safety or welfare is endangered, or any work is not in compliance with the plans or permits approved for the project, the Director shall issue a written notice or stop work order on the portion of the work affected. Such notice or order to stop work shall be served upon the property owner and any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the Director to proceed with the work in writing. The notice or order shall state the reason for the notice and no work shall be done on that portion until the matter has been corrected and approval obtained from the Director. The order may specify actions necessary to restore the site or provide temporary measures for erosion and sedimentation control until the stop work order has been removed.

(2) It shall be unlawful for any person to commence or continue any work regulated under the provisions of the Grading Ordinance in violation of, or contrary to any stop work notice or stop work order issued in compliance with this Section, except in conformity to the terms of such order or notice of order, or until relief from such order is obtained from the Director or, upon appeal, from the Board of Supervisors.

b. Appeal. All decisions, interpretations or acts of the Director or Building Official regarding the implementation of the standards of the Grading Ordinance, shall be subject to appeal to the Board of Supervisors in compliance with Section 23.01.042.

c. Violations and penalties.

(1) Any person, firm, contractor, or corporation whether as principal, agent, employee or otherwise who shall commence, construct, enlarge, alter, repair, or maintain any grading, excavation, or fill, or cause the same to be done, contrary to or in violation of any provision

of the Grading Ordinance is subject to civil and/or criminal action. The Board of Supervisors hereby declares that any grading done contrary to the provisions of this Code is unlawful and a public nuisance, subject to abatement as set forth in Section 23.10.150. The offense may be filed as either an infraction or a misdemeanor at the discretion of the San Luis Obispo County District Attorney.

(2) In addition to any penalties prescribed, the Director shall submit a written report to the appropriate state licensing or professional registration board or society in cases where contractors or professional consultants violate the provisions of this Code.

(3) If filed as an infraction and upon conviction thereof, the crime shall be punishable by a fine not to exceed one hundred dollars ($100) for a first violation; a fine not exceeding two hundred dollars ($200) for a second violation of the same ordinance thereafter; and a fine not exceeding five hundred dollars ($500) for each additional violation of the same ordinance thereafter.

(4) If filed as a misdemeanor, and upon conviction thereof, the punishment shall be a fine of not less than five hundred dollars ($500) nor more than one thousand dollars ($1,000), or imprisonment in the county jail for a period not exceeding six months, or by both such fine and imprisonment.

(5) Any person violating any of the provisions of the Grading Ordinance shall be guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of the Grading Ordinance is committed, continued, or permitted.

(6) Paying a fine or serving a jail sentence shall not relieve any person from responsibility for correcting any condition which violates any provision of this Title.

(7) Grading without a permit, or using inadequate or improper grading techniques, can have potentially greater environmental effects. These effects include sedimentation and erosion impacts and excessive native vegetation and wildlife impacts. To address this, the applicant shall include additional "cumulative impact" measures above those required for specific on-site remedial work. These measures shall be proportional in size to the areas disturbed and may include:

(i) contribution to an off-site revegetation banking program;

(ii) contribution towards a Resource Conservation District water quality enhancement or other restoration project;

(iii) reestablishment of nearby degraded habitat;

(iv) removal of surrounding undesirable weedy plants within a sensitive habitat;

(v) permanent protection of a proportional amount of comparable land;

(vi) funding outreach and public education or professional education programs;

(vii) providing partial funding to assist the erosion control and outreach programs of local Resource Conservation Districts; and/or

(viii) other measures as determined appropriate by the Director.

(8) Where the only violation of this Chapter is failure to file an Agricultural Grading Form, as set forth in Section 23.05.032.c, the violation shall be corrected by filing the form after-the-fact. In this circumstance the involved party shall not be subject to penalties, fines, or criminal prosecution.

d. Injunctions, civil remedies, penalties, and costs.

(1) Any person, firm, contractor, or corporation whether as principal, agent, employee or otherwise who shall commence, construct, enlarge, alter, repair, or maintain any grading, excavation, or fill, or causes the same to be done, contrary to or in violation of any provision of the Grading Ordinance shall be subject to injunction against such activity and shall be liable for a civil penalty not to exceed twenty-five thousand dollars ($25,000) for each day that the violation continues to exist.

(2) When the Director determines that any person has engaged or, is engaged, in any act(s) which constitute a violation of provision(s) of the Grading Ordinance, or order issued, the District Attorney or the County Counsel may make application to the Superior Court for an order enjoining such acts or practices, or for an order directing compliance, and upon a showing that such person has engaged in any such acts or practices, a permanent or temporary injunction, restraining order, or other order may be granted by a Superior Court having jurisdiction over the cause.

(3) Any person, firm, or corporation whether as principal, agent, employee or otherwise who shall commence, construct, enlarge, alter, repair, or maintain any grading, excavation, or fill, or causes the same to be done, contrary to or in violation of any provision of the Grading Ordinance shall be liable for and obliged to pay to the County of San Luis Obispo for all costs incurred by the County in investigating and obtaining abatement or compliance, or which are attributable to or associated with any enforcement or abatement action, whether such action is administrative, injunctive or legal; and for all damages suffered by the County, its agents, officers or employees as a result of such violation or efforts to enforce or abate the violation. (See Section 23.10.050, Recovery of Costs.)

(4) Until all costs, fees and penalties assessed under the Grading Ordinance are paid in full, no final approval, Certificates of Completion, Certificates of Compliance, Certificates of Occupancy, land use permits or subdivision maps shall be issued or approved by the

Planning and Building Department, Public Works Department, other County agencies, or the Board of Supervisors.

(5) In determining the amount of civil penalty to impose, the Court shall consider all relevant circumstances, including but not limited to, the extent of the harm caused by the conduct constituting the violation; the nature and persistence of such conduct; the length of time over which the conduct occurred; the assets, liabilities and net worth of the persons responsible, whether corporate or individual; any corrective action taken by the persons responsible; and the cooperation or lack of cooperation in efforts toward abatement or correction.

e. Additional actions and remedies.

(1) Any person who violates any provision of the Grading Ordinance or who violates any stop work order or notice may also be in violation of the Federal Clean Water Act and/or the State Porter-Cologne Act and may be subject to prosecution under those Acts, including civil and criminal penalties. Section 309 of the Clean Water Act provides significant penalties for any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Clean Water Act or any permit condition or limitation implementing any such section in a permit issued under Section 402. Any person who violates any permit conditions of the General Construction Permit is subject to a civil penalty not to exceed twenty-seven thousand five hundred dollars ($27,500) per calendar day of such violation, as well as any other appropriate sanction provided by the Clean Water Act. The Porter-Cologne Water Quality Control Act also provides for civil and criminal penalties which in some cases are greater than those under the Clean Water Act. Any enforcement actions authorized under the Grading Ordinance may also include notice to the violator of such potential liability.

(2) Any person who knowingly makes any false material statement, representation, or certification in any record or other document submitted or required to be maintained by the Grading Ordinance or the General Construction Permit is subject to civil or criminal action. This may include prosecution for violation of Section 309(c)(4) of the Clean Water Act which provides for a fine of not more than ten thousand dollars ($10,000), or by imprisonment for not more than two years, or both.

(3) Any person who violates any order issued by the County for violation of the provisions of the Grading Ordinance regulating or prohibiting discharge of both stormwater and non-stormwater, and which causes, or threatens to cause, pollutants to enter the County's stormwater conveyance system shall be liable for such amounts that the County may be fined by the State Water Resources Control Board (SWRCB) or Regional Water Quality Control Board (RWQCB), or the amount of any civil liability imposed on the County for non-compliance with the SWRCB permits.

(4) Any party found to be in violation of Sections 23.04.450, 23.05.044, or 23.05.048.d in such a manner that poses or threatens to pose a significant danger to the environment or public health and safety, may have its name published in the largest daily newspaper in the San Luis Obispo area.

(5) Violations of San Luis Obispo County Air Pollution Control District (APCD) Rules or fugitive dust mitigation measures, the California Air Resources Board Asbestos Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, and the National Emission Standard for Hazardous Air Pollutants may result in required mutual settlements and or significant civil and/or criminal penalties as specified in state and federal law.

f. **Denial of subsequent permits.** Violation of any of the provisions of the Grading Ordinance shall be grounds for denying for five years all applications for building permits, grading permits, land use permits, tentative subdivision maps, general plan amendments, and other land development applications proposed for the site on which the violation occurred. The five-year period shall commence from the date of discovery of the violation. The Board of Supervisors may waive or reduce the penalty imposed by this subsection, for good cause. Any such waiver, if granted, shall in no way relieve the owner or applicant for any such subsequent land development application, of their duty to include the effects of the grading or clearing in any environmental analysis performed for the subsequent application, and to restore or rehabilitate the site, provide substitute or compensating resources, or perform other appropriate measures to mitigate the adverse effects of the illegal grading or clearing.

g. **Remedies not exclusive.** The remedies identified in the Grading Ordinance are in addition to and do not supercede or limit any other remedies, including administrative, civil and/or criminal remedies pursuant to federal, state, and local law. The remedies provided in the Grading Ordinance shall be cumulative and not exclusive.

23.05.057 - Education and Outreach

a. **Outreach and Public Education.** A formal outreach and public education program shall be implemented to reach the broadest possible audience, including grading contractors, heavy equipment operators, farmers and ranchers, and other professionals involved in grading and/or earthwork. This program shall include, but shall not be limited to, informational handouts, webpage information, and notification of requirements distributed with construction and land use permits.

b. **Professional Education Program.** In the event that the County adopts a certification Program for grading contractors, where state law requires that earthwork, grading, excavation or fill be performed by a licensed contractor, that licensed contractor shall also be certified by the County. Certification requirements shall be as established by the Board, and may include, but not necessarily be limited to, satisfactory knowledge and understanding of the County Grading, Drainage and Erosion and

Sedimentation Control Ordinance, and/or familiarity with and continuing education in accepted grading, drainage, erosion and sedimentation control methods.

23.05.058 - Fees

Fees for grading permits and grading, drainage, and erosion and sedimentation control plan checking shall be as set forth in the fee ordinance adopted by the Board. In compliance with the adopted fee schedule, the Director may require payment of actual recorded costs, plus overhead, for those applications which will exceed County fees for processing, plan checking, administration, and/or inspection.

SECTION 7: Modify Subsection 19.03.010.e of the Building and Construction Ordinance.

e. Add the following to Section 1804

1804.7 Excavation and Grading Standards for County of San Luis Obispo

SECTION 1804.7.1 - PURPOSE

The purpose of this appendix is to safeguard life, limb, property and the public welfare by regulating grading on private property.

SECTION 1804.7.2 - SCOPE

~~This sets forth rules and regulations to control excavation, grading and earthwork construction, including fills and embankments; establishes the administrative procedure for issuance of permits; and provides for approval of plans and inspection of grading construction.~~

The rules and regulations to control excavation, grading, and earthwork construction, including fills and embankments, are contained in Titles 22 and 23 of the County Code. Where provisions of Title 19 conflict with provisions in Titles 22 or 23, the provisions in Titles 22 and 23 shall prevail.

The standards listed below are recognized standards and as such are not adopted as part of this code.

1. Testing
   1.1 ASTM D 1557, Moisture-density Relations of Soils and Soil Aggregate Mixtures
   1.2 ASTM D 1556, In Place Density of Soils by the Sand-Cone Method
   1.3 ASTM D 2167, In Place Density of Soils by the Rubber-Balloon Method
   1.4 ASTM D 2937, In Place Density of Soils by the Drive-Cylinder Method
   1.5 ASTM D 2922 and D 3017, In Place Moisture Contact and Density of Soils by Nuclear Methods

SECTION 1804.7.3 - PERMITS REQUIRED

1804.7.3.1 Permits Required. Except as specified in Land Use Ordinance Title 22 & 23 ~~and Section 1804.7.3.2 of this section~~, no person shall do any grading without first having obtained a grading permit from the building official.

~~**1804.7.3.2 Exempted Work.** A grading permit is not required for the following:~~

1. ~~When approved by the building official, grading in an isolated, self-contained area if there is no danger to private or public property.~~
2. ~~An excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation or exempt any excavation having an unsupported height greater than 5 feet after the completion of such structure.~~
3. ~~Cemetery graves.~~
4. ~~Refuse disposal sites controlled by other regulations.~~
5. ~~Excavations for wells or tunnels or utilities.~~
6. ~~Mining, quarrying, excavating, processing, stockpiling of rock, sand, gravel, aggregate or clay where established and provided for by law, provided such operations do not affect the lateral support or increase the stresses in or pressure upon any adjacent or contiguous property.~~
7. ~~Exploratory excavations under the direction of soil engineers or engineering geologists.~~
8. ~~An excavation which (1) is less than 2 feet in depth, or (2) which does not create a cut slope greater than 5 feet in height and steeper than 1 unit vertical in 1 1/2 units horizontal (66.7% slope).~~
9. ~~A fill less than 1 foot in depth and placed on natural terrain with a slope flatter than 1 unit vertical in 5 units horizontal (20% slope), or less than 3 feet in depth, not intended to support structures, which does not exceed 50 cubic yards on any one lot and does not obstruct a drainage course.~~

~~Exemption from the permit requirements of this chapter shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this chapter or any other laws or ordinances of this jurisdiction.~~

~~SECTION 1804.7.4 – HAZARDS~~

~~Whenever the building official determines that any existing excavation or embankment or fill on private property has become a hazard to life and limb, or endangers property, or adversely affects the safety, use or stability of a public way or drainage channel, the owner of the property upon which the excavation or fill is located, or other person or agent in control of said property, upon receipt of notice in writing from the building official, shall within the period specified therein repair or eliminate such excavation or embankment so as to eliminate the hazard and be in conformance with the requirements of this code.~~

SECTION 1804.7.~~5~~ 4 – DEFINITIONS

For the purposes of this section the definitions listed hereunder shall be construed as specified in this section.

APPROVAL shall mean the proposed work or completed work conforms to this chapter in the opinion of the building official.

AS-GRADED is the extent of surface conditions on completion of grading.

BEDROCK is in-place solid rock.

BENCH is a relatively level step excavated into earth material on which fill is to be placed.

BORROW is earth material acquired from an off-site location for use in grading on a site.

CIVIL ENGINEER is a professional engineer registered in the state to practice in the field of civil works.

CIVIL ENGINEERING is the application of the knowledge of the forces of nature, principles of mechanics and the properties of materials to the evaluation, design and construction of civil works.

COMPACTION is the densification of a fill by mechanical means.

EARTH MATERIAL is any rock, natural soil or fill or any combination thereof.

ENGINEERING GEOLOGIST is a geologist experienced and knowledgeable in engineering geology.

ENGINEERING GEOLOGY is the application of geologic knowledge and principles in the investigation and evaluation of naturally occurring rock and soil for use in the design of civil works.

EROSION is the wearing away of the ground surface as a result of the movement of wind, water or ice.

EXCAVATION is the mechanical removal of earth material.

FILL is a deposit of earth material placed by artificial means.

GEOTECHNICAL ENGINEER. See "soils engineer."

GRADE is the vertical location of the ground surface.
Existing Grade is the grade prior to grading.
Finish Grade is the final grade of the site which conforms to the approved plan.
Rough Grade is the stage at which the grade approximately conforms to the approved plan.

GRADING is any excavating or filling or combination thereof.

KEY is a designed compacted fill placed in a trench excavated in earth material beneath the toe of a proposed fill slope.

PROFESSIONAL INSPECTION is the inspection required by this code to be performed by the civil engineer, soils engineer or engineering geologist. Such inspections include that performed by persons supervised by such engineers or geologists and shall be sufficient to form an opinion relating to the conduct of the work.

SITE is any lot or parcel of land or contiguous combination thereof, under the same ownership, where grading is performed or permitted.

SLOPE is an inclined ground surface the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

SOIL is naturally occurring superficial deposits overlying bedrock.

SOILS ENGINEER (GEOTECHNICAL ENGINEER) is an engineer experienced and knowledgeable in the practice of soils engineering (geotechnical) engineering.

SOILS ENGINEERING (GEOTECHNICAL ENGINEERING) is the application of the principles of soils mechanics in the investigation, evaluation and design of civil works involving the use of earth materials and the inspection or testing of the construction thereof.

TERRACE is a relatively level step constructed in the face of a graded slope surface for drainage and maintenance purposes.

~~SECTION 1804.7.6 - GRADING PERMIT REQUIREMENTS~~

~~**1804.7.6.1 Permits Required.** Except as exempted in Section 1804.7.3.2 of this code, no person shall do any grading without first obtaining a grading permit from the building official. A separate permit shall be obtained for each site, and may cover both excavations and fills.~~

~~**1804.7.6.2 Application.** The provisions of Section 105 are applicable to grading and in addition the application shall state the estimated quantities of work involved.~~

~~**1804.7.6.3 Grading Designation.** Grading requiring environmental review per County Land Use Ordinance Title 22 or 23 or grading in excess of 5,000 cubic yards shall be performed in accordance with the approved grading plan prepared by a civil engineer, and shall be designated as "engineered grading." Grading involving less than 5,000 cubic yards and not requiring environmental review per Land Use Ordinance Title 22 or 23, shall be designated "regular grading" unless the permittee chooses to have the grading performed as engineered grading, or the building official determines that~~

special conditions or unusual hazards exist, in which case grading shall conform to the requirements for engineered grading.

1804.7.6.4 Engineered Grading Requirements. Application for a grading permit shall be accompanied by two sets of plans and specifications, and supporting data consisting of a soils engineering report and engineering geology report. The plans and specifications shall be prepared and signed by an individual licensed by the state to prepare such plans or specifications when required by the building official.

Specifications shall contain information covering construction and material requirements.

Plans shall be drawn to scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that they will conform to the provisions of this code and all relevant laws, ordinances, rules and regulations. The first sheet of each set of plans shall give location of the work, the name and address of the owner and the person by whom they were prepared.

The plans shall include the following information:

1. General vicinity of the proposed site.
2. Property limits and accurate contours of existing ground and details of terrain and area drainage.
3. Limiting dimensions, elevations or finish contours to be achieved by the grading, and proposed drainage channels and related construction.
4. Detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams and other protective devices to be constructed with, or as a part of, the proposed work together with a map showing the drainage area and the estimated runoff of the area served by any drains.
5. Location of any buildings or structures on the property where the work is to be performed and the location of any buildings or structures on land of adjacent owners which are within 15 feet of the property or which may be affected by the proposed grading operations.
6. Recommendations included in the soils engineering report and the engineering geology report shall be incorporated in the grading plans or specifications. When approved by the building official, specific recommendations contained in the soils engineering report and the engineering geology report, which are applicable to grading, may be included by reference.
7. The dates of the soils engineering and engineering geology reports together with the names, addresses and phone numbers of the firms or individuals who prepared the reports.

1804.7.6.5 Soils Engineering Report. The soils engineering report required by Section 1803 or 1804.7.6.4 shall include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures and design criteria for corrective measures, including buttress fills, when necessary, and opinion on adequacy for the intended use of sites to be developed by the proposed grading as affected by soils engineering factors, including the stability of slopes.

~~**1804.7.6.6 Engineering Geology Report.** The engineering geology report required by Section 1803 or 1804.7.6.4 shall include an adequate description of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and opinion on the adequacy for the intended use of sites to be developed by the proposed grading, as affected by geologic factors.~~

~~**1804.7.6.7 Liquefaction Study.** The building official may require a geotechnical investigation in accordance with Sections 1803.1 and 1803.2 when, during the course of an investigation, all of the following conditions are discovered, the report shall address the potential for liquefaction:~~

~~1. Shallow ground water, 50 feet or less.~~
~~2. Unconsolidated sandy alluvium.~~
~~3. Seismic Design Category C - F.~~

~~**1804.7.6.8 Regular Grading Requirements.** Each application for a grading permit shall be accompanied by a plan in sufficient clarity to indicate the nature and extent of the work. The plans shall give the location of the work, the name of the owner and the name of the person who prepared the plan. The plan shall include the following information:~~

~~1. General vicinity of the proposed site.~~
~~2. Limiting dimensions and depth of cut and fill.~~
~~3. Location of any buildings or structures where work is to be performed, and the location of any buildings or structures within 15 feet of the proposed grading.~~

~~**1804.7.6.9 Issuance.** The provisions of Section 105 are applicable to grading permits. The building official may require that grading operations and project designs be modified if delays occur which incur weather-generated problems not considered at the time the permit was issued.~~

~~The building official may require professional inspection and testing by the soils engineer. When the building official has cause to believe that geologic factors may be involved, the grading will be required to conform to engineered grading.~~

~~SECTION 1804.7.7 - GRADING FEES~~

~~**1804.7.7.1 General.** Fees shall be assessed as set forth in the fee schedule adopted by the jurisdiction.~~

~~SECTION 1804.7.8 - BONDS~~

~~The building official may require bonds in such form and amounts as may be deemed necessary to assure that the work, if not completed in accordance with the approved plans and specifications, will be corrected to eliminate hazardous conditions. In lieu of a surety bond the applicant may file a cash bond or instrument of credit with the building official in an amount equal to that which would be required in the surety bond.~~

SECTION 1804.7.~~9~~ 5 - CUTS

1804.7.9~~5~~.1 General. Unless otherwise recommended in the approved soils engineering or engineering geology report, cuts shall conform to the provisions of this section. In the absence of an approved soils engineering report, these provisions may be waived for minor cuts not intended to support structures.

1804.7.9~~5~~.2 Slope. The slope of cut surfaces shall be no steeper than is safe for the intended use and shall be no steeper than 1 unit vertical in 2 units horizontal (50% slope) unless the permittee furnishes a soils engineering or an engineering geology report, or both, stating that the site has been investigated and giving an opinion that a cut at a steeper slope will be stable and not create a hazard to public or private property.

SECTION 1804.7.~~10~~ 6 - FILLS

1804.7.~~10~~6.1 General. Unless otherwise recommended in the approved soils engineering report, fills shall conform to the provisions of this section. In the absence of an approved soils engineering report, these provisions may be waived for minor fills not intended to support structures.

1804.7.~~10~~6.2 Preparation of Ground. Fill slopes shall not be constructed on natural slopes steeper than 1 unit vertical in 2 units horizontal (50% slope). The ground surface shall be prepared to receive fill by removing vegetation, noncomplying fill, topsoil and other unsuitable materials scarifying to provide a bond with the new fill and, where slopes are steeper than 1 unit vertical in 5 units horizontal (20% slope) and the height is greater than 5 feet, by benching into sound bedrock or other competent material as determined by the soils engineer. The bench under the toe of a fill on a slope steeper than 1 unit vertical in 5 units horizontal (20% slope) shall be at least 10 feet wide. The area beyond the toe of fill shall be sloped for sheet overflow or a paved drain shall be provided. When fill is to be placed over a cut, the bench under the toe of fill shall be at least 10 feet wide but the cut shall be made before placing the fill and acceptance by the soils engineer or engineering geologist or both as a suitable foundation for fill.

1804.7.~~10~~6.3 Fill Material. Detrimental amounts of organic material shall not be permitted in fills. Except as permitted by the building official, no rock or similar irreducible material with a maximum dimension greater than 12 inches shall be buried or placed in fills.

Exception: The building official may permit placement of larger rock when the soils engineer properly devises a method of placement, and continuously inspects its placement and approves the fill stability. The following conditions shall also apply:

1. Prior to issuance of the grading permit, potential rock disposal areas shall be delineated on the grading plan.
2. Rock sizes greater than 12 inches in maximum dimension shall be 10 feet or more below grade, measured vertically.
3. Rocks shall be placed so as to assure filling of all voids with well-graded soil.

1804.7.~~10~~6.4 Compaction. All fills shall be compacted to a minimum of 90 percent of maximum density.

1804.7.~~10~~6.5 Slope. The slope of fill surfaces shall be no steeper than is safe for the intended use. Fill slopes shall be no steeper than 1 unit vertical in 2 units horizontal (50% slope).

SECTION 1804.7.~~11~~7 – SETBACKS

1804.7.~~11~~7.1 General. Cut and fill slopes shall be set back from site boundaries in accordance with this section. Setback dimensions shall be horizontal distances measured perpendicular to the site boundary. Setback dimensions shall be as shown in Figure A-1804.7.11-1.

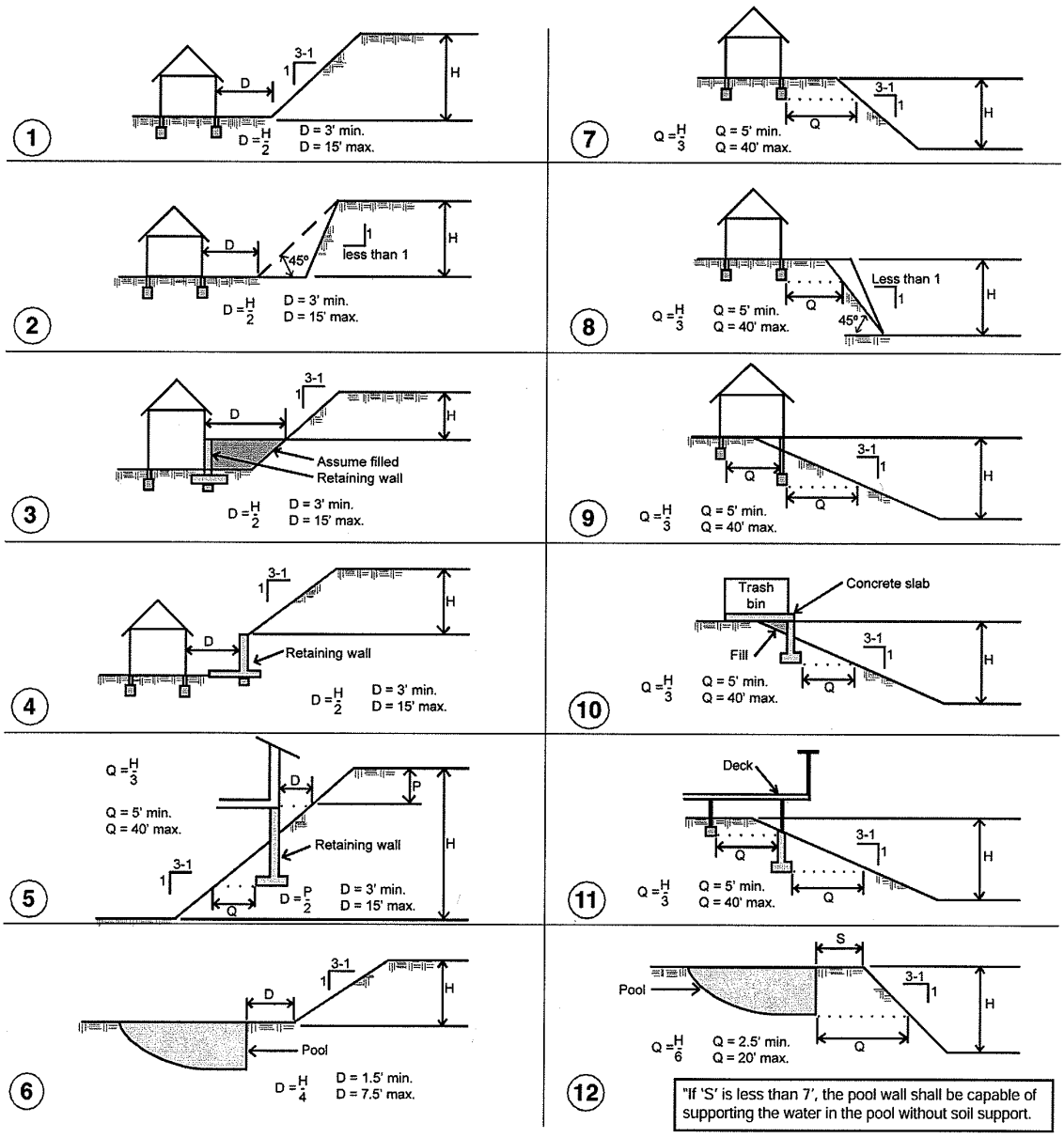
1804.7.~~11~~7.2 Top of Cut Slope. The top of cut slopes shall not be made nearer to a site boundary line than one fifth of the vertical height of cut with a minimum of 2 feet and a maximum of 10 feet. The setback may need to be increased for any required interceptor drains.

1804.7.~~11~~7.3 Toe of Fill Slope. The toe of fill slope shall be made not nearer to the site boundary line than one half the height of the slope with a minimum of 2 feet and a maximum of 20 feet. Where a fill slope is to be located near the site boundary and the adjacent off-site property is developed, special precautions shall be incorporated in the work as the building official deems necessary to protect the adjoining property from damage as a result of such grading. These precautions may include but are not limited to:

1. Additional setbacks.
2. Provision for retaining or slough walls.
3. Mechanical or chemical treatment of the fill slope surface to minimize erosion.
4. Provisions for the control of surface waters.

1804.7.~~11~~7.4 Modification of Slope Location. The building official may approve alternate setbacks. The building official may require an investigation and recommendation by a qualified engineer or engineering geologist to demonstrate that the intent of this section has been satisfied.

Figure A-1804.7.11-1



FOUNDATIONS ON OR ADJACENT TO SLOPES: The placement of buildings and structures on or adjacent to slopes steeper than 3 horizontal to 1 vertical shall be in accordance with the following illustrations. The provisions are intended to provide protection for the building from slope drainage, erosion and mudflow, loose slope debris, shallow slope failures, and foundation movement (California Building Code 1804).

SECTION 1804.7.~~12~~ 8 - DRAINAGE AND TERRACING

1804.7.~~12~~8.1 General. Unless otherwise indicated on the approved grading plan, drainage facilities and terracing shall conform to the provisions of this section for cut or fill slopes steeper than 1 unit vertical in 3 units horizontal (33.3% slope).

1804.7.~~12~~8.2 Terrace. Terraces at least 6 feet in width shall be established at not more than 30-foot vertical intervals on all cut or fill slopes to control surface drainage and debris except that where only one terrace is required, it shall be at mid-height. For cut or fill slopes greater than 60 feet and up to 120 feet in vertical height, one terrace at approximately mid-height shall be 12 feet in width. Terrace widths and spacing for cut and fill slopes greater than 120 feet in height shall be designed by the civil engineer and approved by the building official. Suitable access shall be provided to permit proper cleaning and maintenance.

Swales or ditches on terraces shall have a minimum gradient of 5 percent and must be paved with reinforced concrete not less than 3 inches in thickness or an approved equal paving. They shall have a minimum depth at the deepest point of 1 foot and a minimum paved width of 5 feet.

A single run of swale or ditch shall not collect runoff from a tributary area exceeding 13,500 square feet (projected) without discharging into a down drain.

1804.7.~~12~~8.3 Subsurface Drainage. Cut and fill slopes shall be provided with subsurface drainage as necessary for stability.

1804.7.~~12~~8.4 Disposal. All drainage facilities shall be designed to carry waters to the nearest practicable drainage way approved by the building official or other appropriate jurisdiction as a safe place to deposit such waters. Erosion of ground in the area of discharge shall be prevented by installation of nonerosive down drains or other devices.

Building pads shall have a drainage gradient of 2 percent toward approved drainage facilities, unless waived by the building official.

Exception: The gradient from the building pad may be 1 percent if all of the following conditions exist throughout the permit area:

1. No proposed fills are greater than 10 feet in maximum depth.
2. No proposed finish cut or fill slope faces have a vertical height in excess of 10 feet.
3. No existing slope faces, which have a slope face steeper than 1 unit vertical in 10 units horizontal (10% slope), have a vertical height in excess of 10 feet .

1804.7.~~12~~8.5 Interceptor Drains. Paved interceptor drains shall be installed along the top of all cut slopes where the tributary drainage area above slopes toward the cut and has a drainage path greater than 40 feet measured horizontally. Interceptor drains shall be paved with a minimum of 3 inches of concrete or gunite and reinforced. They shall have a minimum depth of 12 inches and a minimum

paved width of 30 inches measured horizontally across the drain. The slope of drain shall be approved by the building official.

SECTION 1804.7.~~13~~9 - EROSION CONTROL

1804.7.~~13~~9.1 Slopes. The faces of cut and fill slopes shall be prepared and maintained to control against erosion. This control shall consist of approved Best Management Practices (BMPs) shown on the grading plans. The protection for the slopes shall be installed as soon as practicable and prior to calling for final approval.

1804.7.~~13~~9.2 A Condition Compliance Monitoring case shall be required whenever there are post construction BMPs required to be monitored after the construction permit is finaled.

1804.7.~~13~~9.3 No grading or structure inspections shall be made unless required BMPs are in place during the rainy season – October 15 through April 15.

SECTION 1804.7.14 - GRADING INSPECTION

1804.7.~~14~~9.1 General. Grading operations for which a permit is required shall be subject to inspection by the building official. Professional inspection of grading operations shall be provided by the civil engineer, soils engineer and the engineering geologist retained to provide such services and approved by the building official in accordance with Section 1804.7.6.4 for engineered grading and as required by the building official for regular grading.

1804.7.~~14~~9.2 Civil Engineer. The civil engineer shall provide professional inspection within such engineer's area of technical specialty, which shall consist of observation and review as to the establishment of line, grade and surface drainage of the development area. If revised plans are required during the course of the work they shall be prepared by the civil engineer.

1804.7.~~14~~9.3 Soils Engineer. The soils engineer shall provide professional inspection within such engineer's area of technical specialty, which shall include observation during grading and testing for required compaction. The soils engineer shall provide sufficient observation during the preparation of the natural ground and placement and compaction of the fill to verify that such work is being performed in accordance with the conditions of the approved plan and the appropriate requirements of this chapter. Revised recommendations relating to conditions differing from the approved soils engineering and engineering geology reports shall be submitted to the permittee, the building official and the civil engineer.

1804.7.~~14~~9.4 Engineering Geologist. The engineering geologist shall provide professional inspection within such engineer's area of technical specialty, which shall include professional inspection of the bedrock excavation to determine if conditions encountered are in conformance with the approved report. Revised recommendations relating to conditions differing from the approved engineering geology report shall be submitted to the soils engineer.

1804.7.~~14~~9.5 Permittee. The permittee shall be responsible for the work to be performed in accordance with the approved plans and specifications and in conformance with the provisions of this code, and the permittee shall engage consultants, if required, to provide professional inspections on a timely basis. The permittee shall act as a coordinator between the consultants, the contractor and the building official. In the event of changed conditions, the permittee shall be responsible for informing the building official of such change and shall provide revised plans for approval.

1804.7.~~14~~9.6 Building Official. The building official shall inspect the project at the various stages of work requiring approval to determine that adequate control is being exercised by the professional consultants.

1804.7.~~14~~9.7 Notification of Noncompliance. If, in the course of fulfilling their respective duties under this chapter, the civil engineer, the soils engineer or the engineering geologist finds that the work is not being done in conformance with this chapter or the approved grading plans, the discrepancies shall be reported immediately in writing to the permittee and to the building official.

1804.7.~~14~~9.8 Transfer of Responsibility. If the civil engineer, the soils engineer, or the engineering geologist of record is changed during grading, the work shall be stopped until the replacement has agreed in writing to accept their responsibility within the area of technical competence for approval upon completion of the work. It shall be the duty of the permittee to notify the building official in writing of such change prior to the recommencement of such grading.

SECTION 1804.7.~~15~~10 - COMPLETION OF WORK

1804.7.~~15~~10.1 Final Reports. Upon completion of the rough grading work and at the final completion of the work, the following reports and drawings and supplements thereto are required for engineered grading or when professional inspection is performed for regular grading, as applicable.

1. An as-built grading plan prepared by the civil engineer retained to provide such services in accordance with Section 1804.7.5 showing original ground surface elevations, as-graded ground surface elevations, lot drainage patterns, and the locations and elevations of surface drainage facilities and of the outlets of subsurface drains. As-constructed locations, elevations and details of subsurface drains shall be shown as reported by the soils engineer. Civil engineers shall state that to the best of their knowledge the work within their area of responsibility was done in accordance with the final approved grading plan.

2. A report prepared by the soils engineer retained to provide such services in accordance with Section 1804.7.3, including locations and elevations of field density tests, summaries of field and laboratory tests, other substantiating data, and comments on any changes made during grading and their effect on the recommendations made in the approved soils engineering investigation report. Soils engineers shall submit a statement that, to the best of their knowledge, the work within their area of responsibilities is in accordance with the approved soils engineering report and applicable provisions of this chapter.
3. A report prepared by the engineering geologist retained to provide such services in accordance with Section 1804.7.5, including a final description of the geology of the site and any new information disclosed during the grading and the effect of same on

recommendations incorporated in the approved grading plan. Engineering geologists shall submit a statement that, to the best of their knowledge, the work within their area of responsibility is in accordance with the approved engineering geologist report and applicable provisions of this chapter.

4. The grading contractor shall submit in a form prescribed by the building official a statement of conformance to said as-built plan and the specifications.

1804.7.~~15~~10.2 Notification of Completion. The permittee shall notify the building official when the grading operation is ready for final inspection. Final approval shall not be given until all work, including installation of all drainage facilities and their protective devices, and all erosion-control measures have been completed in accordance with the final approved grading plan, and the required reports have been submitted.

Reference Updates

Reference Location	Current Reference	Replacement Reference
Section 23.02.030.b(8)(iv)	23.05.020	23.05.028
Section 23.02.033.a(5)	23.05.020	23.05.028

EXHIBIT C

Stormwater Ordinance Referral

PROJECT DESCRIPTION LRP2012-00009

Updated: May 21, 2013

The following is provided as an overview of the attached ordinance package to help your understanding of the proposed revisions.

Under the Clean Water Act, the County is considered a municipal discharger of stormwater. As a result, the County is required to seek coverage under a permit issued by the State Water Resources Control Board. Conditions of that permit require that the County occasionally make changes to our ordinance in order to implement state-imposed water quality control standards. The changes proposed, as shown in the attached ordinance, will specifically deal with stormwater discharges from construction sites, as well as long-term / post-construction annual stormwater discharges once a site has been developed.

This ordinance is intended to accomplish the following:

(1) Require new development projects in urbanized portions of the unincorporated County to follow the Central Coast Regional Water Quality Control Board's (RWQCB's) Post Construction Requirements.

(2) Amend the grading ordinance to make changes approved locally in 2010, but not accepted by the Coastal Commission, including those modifications on which both the Coastal Commission and County are in agreement.

These objectives are more fully explained in the "Objectives" section below.

The new requirements being imposed as part of the revised Stormwater Ordinance are as follows:

- **Submittal of a Stormwater Control Plan.** Most new development projects will be required to submit a Stormwater Control Plan demonstrating compliance with the Post Construction Requirements. Revision to proposed site plans, grading plans, and drainage plans may be needed to accomplish this.

- **Long term maintenance and reporting.** Projects with structural stormwater control devices will be required to record an agreement specifying long term maintenance of the structure, including annual reporting to the County.

- **Updated grading permit standards in the Coastal Zone.** Grading permit standards in the Coastal Zone will be based upon the existing inland ordinance, including recommended changes by the Coastal Commission that are agreeable to the County.

OBJECTIVES

(1) To require new development projects in urbanized portions of the unincorporated County to follow the Central Coast Regional Water Quality Control Board's (RWQCB's) Post Construction Requirements. *(SECTIONS 1, 2, 3, 6, 7)*

Post Construction Requirements are standards concerning site design as it relates to stormwater drainage. The natural hydrology of a site (i.e. the way water drains) changes when land gets developed with impervious surfaces and structures. The natural state of a site – with vegetation and pervious soils – allows water to percolate and produces comparatively little runoff. Other hydrologic features also change when sites are developed – velocity, direction, and peak flow, for example. Post Construction Requirements seek to minimize hydrologic impacts caused by urban development.

Post Construction Requirements favor Low Impact Development (LID) over conventional drainage practices. Rather than gathering all drainage, concentrating, and releasing it off site, LID seeks to re-create natural hydrologic processes. Ideally, the end goal would be to have post-development drainage conditions match pre-development drainage conditions. To achieve this, the Central Coast Regional Water Quality Control Board has set four performance standards:

(a) Site Design and Runoff Reduction. Requirements to use certain site design practices to reduce the volume of runoff.

(b) Water Quality. Requirements that stormwater runoff be treated using "Low Impact Development" methods – such as open vegetated drainage swales.

(c) Runoff Retention. A requirement to retain and infiltrate a specified volume of stormwater. The volume to be retained depends upon several factors, including site location and soil conditions.

(d) Peak Management. A requirement to make the post-development peak flow match the pre-development peak flow. Peak flow is the highest rate of stormwater flow during a storm event or a series of storm events.

The above requirements are triggered based on the amount of impervious surfacing[1].

Impervious Surface Area	Site Design and Runoff Reduction	Water Quality	Runoff Retention	Peak Management
≥ 2,500 sq ft	●			
≥ 5,000 sq ft (except SFR[2])	●	●		
≥ 15,000 sq ft	●	●	●	
≥ 22,500 sq ft	●	●	●	●

The Post Construction Requirements are expected to be set by the Central Coast Regional Water Quality Control Board (RWQCB) at a public hearing in Watsonville on July 11, 2013. More detailed information about the Post Construction Requirements, including technical support documents, can be found at the following webpage:

http://www.waterboards.ca.gov/rwqcb3/water_issues/programs/stormwater/docs/lid/lid_hydromod_charette_index.shtml

(2) To amend the grading ordinance to make changes approved locally in 2010, but not accepted by the Coastal Commission, including those modifications on which both the Coastal Commission and County are in agreement. *(SECTIONS 4, 5, 6, 7)*

In 2010, the Board of Supervisors adopted comprehensive amendments to the grading ordinance in both the Coastal Zone and inland portions of the County. The ordinance has been in effect in the inland areas since May 2010. The Coastal Zone portion of the ordinance, however, requires approval by the California Coastal Commission. In August 2012, the Coastal Commission approved the ordinance with substantial modifications. The Board of Supervisors found some of these modifications to be unacceptable, and chose not to certify the Coastal Commission's amended grading ordinance. The effort now is to focus on the changes where the County and Coastal Commission have reached

[1] Impervious surfacing is generally considered the footprint of any building, plus impervious surfaces such as patios and driveways.
[2] SFR = Single Family Residence

mutual agreement. No changes concerning agricultural grading procedures in the Coastal Zone are proposed at this time. This was the portion of the ordinance where the most substantial Coastal Commission modifications occurred; the County and Coastal Commission have not resolved the issues concerning agricultural grading at this time.

COMMON QUESTIONS

What does this all mean?

The new standards mean that the way new development is designed will need to change. Often, structures are designed without considering site features. This new procedure will require that site hydrology be taken into consideration in site design *at the earliest possible time* rather than as an afterthought or late in the process.

Why is the County undertaking this ordinance change?

This ordinance is mandated by the State. Under the conditions of the County's permit through the State Water Resources Control Board, we are required to adopt and implement a stormwater ordinance that addresses construction phase and post-construction stormwater discharges.

What potential added costs will be associated with the ordinance?

It is difficult to estimate what additional costs will be added to development, because the requirements largely are dependent upon site design and site-specific hydrologic conditions. We have heard concerns from the development community that some added costs could result:

- Land costs. Stormwater control measures may require land surface area. This could mean less area on a site to be developed with structures, parking, or other uses.
- Engineering costs. Applicants may need to hire an engineer earlier on in the development process to address site hydrology and drainage issues.
- Maintenance costs. There may be long-term maintenance costs associated with stormwater treatment devices. For structural devices, an engineer or other qualified professional may be needed to certify the condition of stormwater devices on an annual basis.

Is there a way to minimize the impact of these requirements?

By paying attention to site design and the amount of impervious surfaces, you can reduce which performance requirements are triggered. Techniques such as pervious pavers and green roofs can be used to reduce the impervious surface area.

What happens if my site has clay soils and cannot possibly achieve the performance standards for retention and infiltration?

If you can establish that the runoff retention requirement is *technically infeasible* there is a provision to allow dedication of 10 percent of the site area to stormwater devices in lieu of achieving the performance standard.

Can the stormwater measures be located off of the site?

Only in limited circumstances. All of the off-site mitigation options require that the County develop a plan and submit it to the Regional Water Quality Control Board for approval. There is still a great deal of uncertainty as to how the off-site mitigation programs will work.

Are these requirements only in place in the unincorporated County?

All urbanized areas in the Central Coast, generally with a population of 3,000 or greater, are subject to the Post Construction Requirements. Each city and county is required to adopt an ordinance to implement the requirements. Most rural areas (e.g. outside of municipal water service boundaries) will not be subject to these requirements. The Post Construction Requirements are unique to the Central Coast Region, which extends from Santa Cruz to Santa Barbara County.

Who came up with these requirements?

The Regional Water Quality Control Board originally adopted the Post Construction Requirements in September 2012. They are expected to adopt a modified version of the Post Construction Requirements at a public hearing in Watsonville on July 11, 2013. There is a webpage that provides information as to why these requirements are being pursued by the Regional Board:

http://www.waterboards.ca.gov/rwqcb3/water_issues/programs/stormwater/docs/lid/lid_hydromod_charette_index.shtml

ORDINANCE COMPONENTS

SECTION 1	**Replaces the existing stormwater ordinance in the inland area.** Repeal and replace Section 22.10.155 of the Land Use Ordinance.	*This section contains the bulk of the new post-construction stormwater requirements.*
SECTION 2	**Definitions in the Land Use Ordinance** Add definitions to Section 22.80.030.	*This section adds new definitions.*

SECTION 3	**Adds the stormwater ordinance to the County Building Ordinance.** • Add new Chapter 19.09 to the Building and Construction Ordinance • Chapter 19.09 will sunset upon completion of the Local Coastal Program Amendment	*This section is based on Section 1 with a few modifications.*
SECTION 4	**Adds the stormwater ordinance to the Local Coastal Program.** • Adds new Section 23.04.450 to the Coastal Zone Land Use Ordinance. • This section requires Coastal Commission approval before taking effect.	*This section is based on Section 1 with a few modifications.*
SECTION 5	**Definitions in the Coastal Zone Land Use Ordinance** Add definitions to Section 23.11.030.	*This section adds new definitions.*
SECTION 6	**Repeals and replaces the Coastal Zone Grading Ordinance.** • Replace Sections 23.05.020 through 23.05.059 with new Sections 23.05.020 through 23.05.059. • This section requires Coastal Commission approval before taking effect.	*This section is based on the Coastal Zone Grading Ordinance adopted by the Board of Supervisors in April 2010.*
SECTION 7	**Removes conflicting language from the County Building Ordinance.** Modify Section 19.03.010.e to defer to the grading ordinances in Titles 22 and 23 where conflicts exist.	*This section removes conflicting language from Title 19.*

Please note that while the attached ordinance document is lengthy, the bulk of the policy issues concerning the new post-construction requirements are addressed in Section 1.

ENVIRONMENTAL DETERMINATION

The County's ordinance implementing Regional Board Requirements is exempt from the California Environmental Quality Act (CEQA). This project falls under a Class 8 Categorical Exemption (Section 15308 of the CEQA Guidelines). Class 8 Categorical Exemptions are available for actions taken by regulatory agencies to establish procedures for the protection of the environment.

The Regional Water Quality Control Board found the Post Construction Requirements to be exempt from CEQA under a provision in the Porter Cologne Water Quality Control Act.

TIMING

The County is **required** to put this ordinance into effect **by September 6, 2013.** Failure to meet this deadline could put the County out of compliance with its permit. The County would be at risk of fines or

other sanctions by the Regional Water Quality Control Board if it is not in compliance with its permit. In order to meet the stringent deadlines, we anticipate the following tentative schedule:

Planning Commission hearings – beginning June 2013
RWQCB Adoption of Post Construction Requirements – expected on July 11, 2013
Board of Supervisors hearings – expected in August 2013

Several jurisdictions, including the County, have requested a six-month extension to allow further time for ordinance development. The Regional Water Quality Control Board could consider this request for extension at the July 11, 2013 hearing scheduled in Watsonville. Until this time, however, we have been directed to assume that the existing deadlines will remain in place.

Because of the strict implementation schedule we are facing, ***it is imperative that anyone wishing to submit comments do so right away***. Please contact Michael Conger at (805) 781-5136 or mconger@co.slo.ca.us in order to submit your comments or to inquire about the proposed ordinance.

EXHIBIT D

Resolution No. R3-2013-0032 **ATTACHMENT 1**

DRAFT
POST-CONSTRUCTION STORMWATER MANAGEMENT REQUIREMENTS FOR DEVELOPMENT PROJECTS IN THE CENTRAL COAST REGION

July 12, 2013

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION
895 Aerovista Place, Suite 101, San Luis Obispo, California 93401
Phone • (805) 549-3147
http://www.waterboards.ca.gov/centralcoast/

To request copies of this report please contact Dominic Roques at (805) 542-4780, or by email at: droques@waterboards.ca.gov

Documents also are available at:
http://www.waterboards.ca.gov/centralcoast/water_issues/programs/stormwater/docs/lid/lid_hydromod_charette_index.shtml

Resolution No. R3-2013-0032 **ATTACHMENT 1**

POST-CONSTRUCTION STORMWATER MANAGEMENT REQUIREMENTS FOR DEVELOPMENT PROJECTS IN THE CENTRAL COAST REGION

TABLE of CONTENTS

Note to reader: final page numbers may be slightly different in final version

A. Watershed Management Zones (WMZs)
The urbanized portions of the Central Coast Region are categorized into 10 Watershed Management Zones (WMZs), based on common key watershed processes and receiving water type (creek, marine nearshore waters, lake, etc). Maps in Attachment A illustrate the WMZs for the Central Coast Region's urbanized areas. Designated Groundwater Basins of the Central Coast Region (Attachment B) underlie some but not all WMZs in urbanized portions of the Central Coast Region. The map and table in Attachment B illustrates the Groundwater Basins of the Central Coast Region. Each WMZ and, where present, Groundwater Basin, is aligned with specific Post-Construction Stormwater Management Requirements to address the impacts of development on those watershed processes and beneficial uses.

1) The Permittee shall maintain the ability to identify the WMZs and their boundaries, and to determine the WMZ in which development projects are proposed, throughout the urbanized portions of their jurisdiction corresponding with the Phase I or Phase II Municipal Stormwater Permit boundary.
2) The Permittee shall maintain the ability to determine whether development projects are proposed in areas overlying designated Groundwater Basins, throughout the urbanized portions of their jurisdiction subject to either a Phase I or Phase II Municipal Stormwater Permit.

B. Post-Construction Requirements
The primary objective of these Post-Construction Stormwater Management Requirements (hereinafter, Post-Construction Requirements) is to ensure that the Permittee is reducing pollutant discharges to the Maximum Extent Practicable and preventing stormwater discharges from causing or contributing to a violation of receiving water quality standards in all applicable development projects that require approvals and/or permits issued under the Permittee's planning, building, or other comparable authority. The Post-Construction Requirements emphasize protecting and, where degraded, restoring key watershed processes to create and sustain linkages between hydrology, channel geomorphology, and biological health necessary for healthy watersheds. Maintenance and restoration of watershed processes impacted by stormwater management is necessary to protect water quality and beneficial uses.

1) Regulated Projects
   Regulated Projects include all New Development or Redevelopment projects that create and/or replace ≥2,500 square feet of impervious surface (collectively over the entire project site)
   a) Regulated Projects include, but are not limited to the following road projects/practices:
      i) Removing and replacing a paved surface resulting in alteration of the original line and grade, hydraulic capacity or overall footprint of the road
      ii) Extending the pavement edge, or paving graveled shoulders
      iii) Resurfacing by upgrading from dirt to asphalt, or concrete; upgrading from gravel to asphalt, or concrete; or upgrading from a bituminous surface treatment ("chip seal") to asphalt or concrete
   b) Regulated Projects do not include:
      i) Road and Parking Lot maintenance:
         (1) Road surface repair including slurry sealing, fog sealing, and pothole and square cut patching
         (2) Overlaying existing asphalt or concrete pavement with asphalt or concrete without expanding the area of coverage
         (3) Shoulder grading
         (4) Cleaning, repairing, maintaining, reshaping, or regrading drainage systems

(5) Crack sealing
(6) Resurfacing with in-kind material without expanding the road or parking lot
(7) Practices to maintain original line and grade, hydraulic capacity, and overall footprint of the road or parking lot
(8) Repair or reconstruction of the road because of slope failures, natural disasters, acts of God or other man-made disaster

ii) Sidewalk and bicycle path or lane projects, where no other impervious surfaces are created or replaced, built to direct stormwater runoff to adjacent vegetated areas
iii) Trails and pathways, where no other impervious surfaces are replaced or created, and built to direct stormwater runoff to adjacent vegetated areas
iv) Underground utility projects that replace the ground surface with in-kind material or materials with similar runoff characteristics
v) Curb and gutter improvement or replacement projects that are not part of any additional creation or replacement of impervious surface area (e.g., sidewalks, roadway)
vi) Second-story additions that do not increase the building footprint
vii) Raised (not built directly on the ground) decks, stairs, or walkways designed with spaces to allow for water drainage
viii) Photovoltaic systems installed on/over existing roof or other impervious surfaces, and panels located over pervious surfaces with well-maintained grass or vegetated groundcover, or panel arrays with a buffer strip at the most down gradient row of panels
ix) Temporary structures (in place for less than six months)
x) Electrical and utility vaults, sewer and water lift stations, backflows and other utility devices
xi) Above-ground fuel storage tanks and fuel farms with spill containment system

c) For all New Development Regulated Projects:
   i) Site Design Measures shall be applied throughout the Regulated Project site
   ii) Water Quality Treatment, Runoff Retention, and Peak Management Performance Requirements, as applicable to the Regulated Project, shall apply to the Regulated Project's entire Equivalent Impervious Surface Area for the site (see Attachment E for how to calculate)
d) For Redevelopment Regulated Projects:
   i) Site Design Measures shall be applied throughout the Regulated Project site
   ii) Water Quality Treatment and Runoff Retention Performance Requirements shall apply to the Regulated Project's entire Equivalent Impervious Surface Area for the site (see Attachment E for how to calculate)
   iii) Peak Management Performance Requirements shall apply only to the additional runoff generated by increased impervious surfaces on the Regulated Project site
   iv) Water Quality Treatment Performance Requirements shall apply to the runoff from existing, new, and replaced impervious surfaces on sites where runoff from existing impervious surfaces cannot be separated from runoff from new and replaced impervious surfaces
e) The Permittee shall apply the Post-Construction Requirements, within 365 days of Central Coast Water Board approval of the Post-Construction Requirements, to all applicable Regulated Projects that require approvals and/or permits issued under the Permittee's planning, building, or other comparable authority. Applicable Regulated Projects include both private development requiring permits, and public projects:
   i) Private Development Projects

(1) Discretionary Projects – The Permittee shall apply the Post-Construction Requirements to those projects that have not received the first discretionary approval of project design.
(2) Ministerial Projects – If the project is only subject to ministerial approval, the Permittee shall apply the Post-Construction Requirements to those projects that have not received any ministerial approvals. If the ministerial project receives multiple ministerial approvals, the Permittee shall apply the Post-Construction Requirements to the first ministerial approval. Ministerial approvals include, but are not limited to, building permits, site engineering improvements, and grading permits.

ii) Public Development Projects
(1) The Permittee shall develop and implement an equivalent approach, to the above approach used for private development projects, to apply the Post-Construction Requirements to applicable public development projects, including applicable university development projects

iii) Exemptions – The Permittee may propose, to the Central Coast Water Board Executive Officer, a lesser application of the Post-Construction Requirements for projects with completed project applications dated prior to the Central Coast Water Board approval of the Post-Construction Requirements. The Permittee must demonstrate that the application of the Post-Construction Requirements would pose financial infeasibility for the project. The Permittee shall not grant any exemptions without prior approval from the Central Coast Water Board Executive Officer.

2) Performance Requirement No. 1: Site Design and Runoff Reduction
a) The Permittee shall require all Regulated Projects that create and/or replace ≥ 2,500 square feet of impervious surface (collectively over the entire project site), including detached single-family home projects, to implement at least the following design strategies:
i) Limit disturbance of creeks and natural drainage features
ii) Minimize compaction of highly permeable soils
iii) Limit clearing and grading of native vegetation at the site to the minimum area needed to build the project, allow access, and provide fire protection
iv) Minimize impervious surfaces by concentrating improvements on the least-sensitive portions of the site, while leaving the remaining land in a natural undisturbed state
v) Minimize stormwater runoff by implementing one or more of the following site design measures:
(1) Direct roof runoff into cisterns or rain barrels for reuse
(2) Direct roof runoff onto vegetated areas safely away from building foundations and footings, consistent with California building code
(3) Direct runoff from sidewalks, walkways, and/or patios onto vegetated areas safely away from building foundations and footings, consistent with California building code
(4) Direct runoff from driveways and/or uncovered parking lots onto vegetated areas safely away from building foundations and footings, consistent with California building code
(5) Construct bike lanes, driveways, uncovered parking lots, sidewalks, walkways, and patios with permeable surfaces

b) The Permittee shall confirm that projects comply with Site Design and Runoff Reduction Performance Requirements by means of appropriate documentation (e.g., check lists) accompanying applications for project approval.

3) Performance Requirement No. 2: Water Quality Treatment
   a) The Permittee shall require Regulated Projects, except detached single-family homes, ≥ 5,000 square feet of Net Impervious Area, and detached single-family homes ≥ 15,000 square feet of Net Impervious Area, to treat stormwater runoff as required in the Water Quality Treatment Performance Requirements in Section B.3.b. to reduce pollutant loads and concentrations using physical, biological, and chemical removal.
      i) Net Impervious Area is the total (including new and replaced) post-project impervious areas, minus any reduction in total imperviousness from the pre-project to post-project condition: *Net Impervious Area = (New and Replaced Impervious Area) - (Reduced Impervious Area Credit),* where *Reduced Impervious Area Credit* is the total pre-project to post-project reduction in impervious area, if any.
   b) The Permittee shall require each Regulated Project subject to Water Quality Treatment Performance Requirements to treat runoff using the onsite measures below, listed in the order of preference (highest to lowest):
      i) Low Impact Development (LID) Treatment Systems – Implement harvesting and use, infiltration, and evapotranspiration Stormwater Control Measures that collectively achieve the following hydraulic sizing criteria for LID systems:
         (1) Hydraulic Sizing Criteria for LID Treatment Systems – LID systems shall be designed to retain stormwater runoff equal to the volume of runoff generated by the 85th percentile 24-hour storm event, based on local rainfall data.
      ii) Biofiltration Treatment Systems – Implement biofiltration treatment systems using facilities that must be demonstrated to be at least as effective as a biofiltration treatment system with the following design parameters:
         (1) Maximum surface loading rate appropriate to prevent erosion, scour and channeling within the biofiltration treatment system itself and equal to 5 inches per hour, based on the flow of runoff produced from a rain event equal to or at least:
            (a) 0.2 inches per hour intensity; or
            (b) Two times the 85th percentile hourly rainfall intensity for the applicable area, based on historical records of hourly rainfall depth
         (2) Minimum surface reservoir volume equal to the biofiltration treatment system surface area times a depth of 6 inches
         (3) Minimum planting medium depth of 24 inches. The planting medium must sustain a minimum infiltration rate of 5 inches per hour throughout the life of the project and must maximize runoff retention and pollutant removal. A mixture of sand (60%-70%) meeting the specifications of American Society for Testing and Materials (ASTM) C33 and compost (30%-40%) may be used. A Regulated Project may utilize an alternative planting medium if it demonstrates its planting medium is equal to or more effective at attenuating pollutants than the specified planting medium mixture.
         (4) Proper plant selection[1]
         (5) Subsurface drainage/storage (gravel) layer with an area equal to the biofiltration treatment system surface area and having a minimum depth of 12 inches
         (6) Underdrain with discharge elevation at top of gravel layer
         (7) No compaction of soils beneath the biofiltration facility (ripping/loosening of soils required if compacted)

[1] Technical guidance for designing bioretention facilities is available from the Central Coast LID Initiative. The guidance includes design specifications and plant lists appropriate for the Central Coast climate. (http://www.centralcoastlidi.org/Central_Coast_LIDI/LID_Structural_BMPs.html)

(8) No liners or other barriers interfering with infiltration, except for situations where lateral infiltration is not technically feasible.

iii) Non-Retention Based Treatment Systems – Implement Stormwater Control Measures that collectively achieve at least one of the following hydraulic sizing criteria for non-retention based treatment systems:

(1) Hydraulic Sizing Criteria for Non-Retention Based Treatment Systems:

(a) Volume Hydraulic Design Basis – Treatment systems whose primary mode of action depends on volume capacity shall be designed to treat stormwater runoff equal to the volume of runoff generated by the 85th percentile 24-hour storm event, based on local rainfall data.

(b) Flow Hydraulic Design Basis – Treatment systems whose primary mode of action depends on flow capacity shall be sized to treat:

(i) The flow of runoff produced by a rain event equal to at least two times the 85th percentile hourly rainfall intensity for the applicable area, based on historical records of hourly rainfall depths; or

(ii) The flow of runoff resulting from a rain event equal to at least 0.2 inches per hour intensity.

c) Stormwater Control Plan Requirements – For each Regulated Project subject to the Water Quality Treatment Performance Requirement, the Permittee shall require the Project Applicant to provide the below information in a Stormwater Control Plan. The Permittee shall not grant final project approval, until the Stormwater Control Plan for the Regulated Project sufficiently demonstrates the Regulated Project design meets the Water Quality Treatment Performance Requirements.

i) Project name, application number, location including address and assessor's parcel number

ii) Name of Applicant

iii) Project Phase number (if project is being constructed in phases)

iv) Project Type (e.g., commercial, industrial, multi-unit residential, mixed-use, public), and description

v) Total project site area

vi) Total new impervious surface area, total replaced impervious surface area, total new pervious area, and calculation of Net Impervious Area

vii) Statement of Water Quality Treatment Performance Requirements that apply to the Project

viii) Summary of Site Design and Runoff Reduction (Performance Requirement No. 1) measures selected for the project

ix) Description of all post-construction structural Stormwater Control Measures

x) Supporting calculations used to comply with the applicable Water Quality Treatment Performance Requirements

xi) Documentation certifying that the selection, sizing, and design of the Stormwater Control Measures meet the full or partial Water Quality Treatment Performance Requirement

xii) Water quality treatment calculations used to comply with Water Quality Treatment Performance Requirement and any analysis to support infeasibility determination

xiii) Statement of Compliance:

(1) Statement that Water Quality Treatment Performance Requirement has been met on-site, or, if not achievable:

(a) Documentation of the volume of runoff for which compliance cannot be achieved on-site and the associated off-site compliance requirements.

(b) Statement of intent to comply with Water Quality Treatment Performance Requirement through Alternative Compliance

4) Performance Requirement No. 3: Runoff Retention
   a) The Permittee shall require Regulated Projects, except detached single-family homes, that create and/or replace ≥15,000 square feet of impervious surface (collectively over the entire project site), and detached single-family homes ≥ 15,000 square feet of Net Impervious Area, in WMZs 1, 2, 5, 6, 8 and 9, and those portions of WMZs 4, 7, and 10 that overlie designated Groundwater Basins (Attachment B) to meet the Runoff Retention Performance Requirements in Sections B.4.b. and B.4.c. using the LID Development Standards in Section B.4.d. for optimal management of watershed processes.
   b) Adjustments to the Runoff Retention Performance Requirements for Redevelopment – Where the Regulated Project includes replaced impervious surface, the below adjustments apply. These adjustments are accounted for in the Tributary Area calculation in Attachment D.
      i) Redevelopment Projects outside an approved Urban Sustainability Area, as described in Section C.3. – The total amount of replaced impervious surface shall be multiplied by 0.5 when calculating the volume of runoff subject to Runoff Retention Performance Requirements.
      ii) Redevelopment Projects located within an approved Urban Sustainability Area (Section C.3.) – The total amount of runoff volume to be retained from replaced impervious surfaces shall be equivalent to the pre-project runoff volume retained.
   c) The Permittee shall require Regulated Projects, subject to the Runoff Retention Performance Requirements, to meet the following Performance Requirements:
      i) Watershed Management Zone 1 and portions of Watershed Management Zones 4, 7 and 10 which overlie designated Groundwater Basins:
         (1) Retain 95th Percentile Rainfall Event – Prevent offsite discharge from events up to the 95th percentile 24-hour rainfall event as determined from local rainfall data.[2]
         (2) Compliance must be achieved via infiltration
      ii) Watershed Management Zone 2:
         (1) Retain 95th Percentile Rainfall Event – Prevent offsite discharge from events up to the 95th percentile 24-hour rainfall event as determined from local rainfall data.
         (2) Compliance must be achieved via storage, rainwater harvesting, infiltration, and/or evapotranspiration.
      iii) Watershed Management Zones 5 and 8:
         (1) Retain 85th Percentile Rainfall Event – Prevent offsite discharge from events up to the 85th percentile 24-hour rainfall event as determined from local rainfall data.
         (2) Compliance must be achieved via infiltration.
      iv) Watershed Management Zones 6 and 9:
         (1) Retain 85th Percentile Rainfall Event – Prevent offsite discharge from events up to the 85th percentile 24-hour rainfall event as determined from local rainfall data.
         (2) Compliance must be achieved via storage, rainwater harvesting, infiltration, and/or evapotranspiration.
   d) LID Development Standards – The Permittee shall require Regulated Projects, subject to Runoff Retention Performance Requirements, to meet Runoff Retention Performance

[2] Use either the methodology provided in Part I.D of the December 2009 Technical Guidance on Implementing the Stormwater Runoff Requirements for Federal Projects under Section 438 of the Energy Independence and Security Act, or, rainfall statistics provided by the Central Coast Water Board, whichever produces a more accurate value for rainfall depth.

Requirements (Sections B.4.b. and B.4.c.) using the following LID Development Standards:

i) Site Assessment Measures – Permittees shall require the applicant for each Regulated Project to identify opportunities and constraints to implement LID Stormwater Control Measures. Permittees shall require the applicant to document the following, as appropriate to the development site:
   - Site topography
   - Hydrologic features including contiguous natural areas, wetlands, watercourses, seeps, or springs
   - Depth to seasonal high groundwater
   - Locations of groundwater wells used for drinking water
   - Depth to an impervious layer such as bedrock
   - Presence of unique geology (e.g., karst)
   - Geotechnical hazards
   - Documented soil and/or groundwater contamination
   - Soil types and hydrologic soil groups
   - Vegetative cover/trees
   - Run-on characteristics (source and estimated runoff from offsite which discharges to the project area)
   - Existing drainage infrastructure for the site and nearby areas including the location of municipal storm drains
   - Structures including retaining walls
   - Utilities
   - Easements
   - Covenants
   - Zoning/Land Use
   - Setbacks
   - Open space requirements
   - Other pertinent overlay(s)

ii) Site Design Measures – Permittees shall require the applicant for each Regulated Project to optimize the use of LID site design measures, as feasible and appropriate at the project site. Regulated Projects subject to Performance Requirement No. 3 must augment design strategies required by Performance Requirement No. 1 (Section B.2.a.i-v) with the following:
   - Define the development envelope and protected areas, identifying areas that are most suitable for development and areas to be left undisturbed
   - Conserve natural areas, including existing trees, other vegetation, and soils
   - Limit the overall impervious footprint of the project
   - Construct streets, sidewalks, or parking lot aisles to the minimum widths necessary, provided that public safety or mobility uses are not compromised
   - Set back development from creeks, wetlands, and riparian habitats
   - Conform the site layout along natural landforms
   - Avoid excessive grading and disturbance of vegetation and soils

iii) Delineation of discrete Drainage Management Areas (DMAs) – The Permittee shall require each Regulated Project to delineate DMAs to support a decentralized approach to stormwater management.
   (1) The Permittee shall require the applicant for each Regulated Project to provide a map or diagram dividing the entire project site into discrete DMAs

(2) The Permittee shall require the applicant for each Regulated Project to account for the drainage from each DMA using measures identified in Sections B.4.d.iv. and B.4.d.v., below.

iv) Undisturbed and Natural Landscape Areas – Permittees shall require each Regulated Project to implement appropriate Site Design (Section B.4.d.ii.), and Runoff Reduction Measures in Performance Requirement No. 1, to reduce the amount of runoff for which retention and treatment is required. Runoff reduction measures that can be used to account for this reduction also include the below measures. The Tributary Area calculation in Attachment D accounts for these reductions.

(1) Undisturbed or areas planted with native vegetation that do not receive runoff from other areas may be considered self-treating and no additional stormwater management is required.

(2) Runoff from impervious surfaces, generated by the rainfall events identified in Section B.4.c, may be directed to undisturbed or natural landscaped areas. When the applicant can demonstrate that this runoff will be infiltrated and will not produce runoff to the storm drain system, or a surface receiving waterbody, or create nuisance ponding that may affect vegetation health or contribute to vector problems, then no additional stormwater management is required for these impervious surfaces.

v) Structural Stormwater Control Measures – Where Regulated Project Applicants have demonstrated in their Stormwater Control Plans, and the Permittee has confirmed, that further use of Site Design measures listed in Section B.4.d.ii., Runoff Reduction measures listed in Performance Requirement No.1, and undisturbed and natural landscape areas discussed in Section B.4.d.iv. is technically infeasible, Structural Stormwater Control Measures designed for water quality treatment and/or flow control shall be used to comply with Performance Requirement No. 3.

(1) The Permittee shall require the Regulated Project applicant to use structural Stormwater Control Measures that optimize retention and result in optimal protection and restoration of watershed processes, such as Structural Control Measures associated with small-scale, decentralized facilities designed to infiltrate, evapotranspirate, filter, or capture and use stormwater.

vi) Hydrologic Analysis and Structural Stormwater Control Measure Sizing – To determine Stormwater Control Measure sizing and design, Permittees shall require Regulated Project applicants to use one of the following: 1) hydrologic analysis and sizing methods as outlined in Attachment D; 2) locally/regionally calibrated continuous simulation model that results in equivalent optimization of on-site runoff volume retention; or 3) hydrologic analysis and sizing methods, equally effective in optimizing on-site retention of the runoff generated by the rainfall event specified in Section B.4.c, that have been approved by the Central Coast Water Board Executive Officer.

e) Ten Percent Adjustment for Sites with Technical Infeasibility – Where technical infeasibility, as described in Section C.1.c., prevents full on-site compliance with the Runoff Retention Performance Requirement, on-site retention of the full Retention Volume per Section B.4.d.vi. is not required and the Regulated Project is required to

dedicate no less than ten percent of the Regulated Project's Equivalent Impervious Surface Area[3] to retention-based Stormwater Control Measures.

i) Use the Attachment E instructions to calculate the ten percent adjustment for applying the Runoff Retention Performance Requirement.

ii) The Water Quality Treatment Performance Requirement is not subject to this adjustment, i.e., mitigation to achieve full compliance with the Water Quality Treatment Performance Requirement is required on- or off-site.

f) Off-Site Mitigation – Off-site mitigation is required when Regulated Projects do not retain the full Retention Volume per Section B.4.b and B.4.c, and 1) fail to demonstrate technical infeasibility of full retention; or 2) demonstrate technical infeasibility of full retention AND fail to dedicate at least ten percent of the Regulated Project's Equivalent Impervious Surface Area to retention-based Stormwater Control Measures.

i) Use the Attachment F instructions to calculate the Off-Site retention requirements when a Regulated Project subject to the Runoff Retention Performance Requirement does not allocate the full ten percent of the project site's Equivalent Impervious Surface Area to retention-based Stormwater Control Measures.

g) Reporting Requirements – For each Regulated Project subject to the Runoff Retention Performance Requirement, the Permittee shall require the Project Applicant to provide the below information in a Stormwater Control Plan. The Permittee shall not grant final project approval, until the Stormwater Control Plan for the Regulated Project sufficiently demonstrates the Regulated Project design meets the Water Quality Treatment and Runoff Retention Performance Requirements.

i) Project Name, application number, and location including address and assessor's parcel number

ii) Name of Applicant

iii) Project Phase number (if project is being constructed in phases)

iv) Project Type (e.g., commercial, industrial, multiunit residential, mixed-use, public), and description

v) Total project site area

vi) Total new and/or replaced impervious surface area

vii) Statement of Water Quality Treatment and Runoff Retention Performance Requirements that apply to the Project

viii) Adjusted Requirements based on the local jurisdiction's approval, that the Project is allowed a Special Circumstance, Watershed or Regional Plan, or Urban Sustainability Area designation

ix) Site assessment summary

x) LID Measures used:
(1) Site design measures
(2) Runoff Reduction Measures
(3) Post-construction structural Stormwater Control Measures

xi) Summary of Runoff Reduction Measures and Structural Stormwater Control Measures, by Drainage Management Area, as well as for the entire site

xii) Supporting calculations used to comply with the applicable Water Quality Treatment and Runoff Retention Performance Requirements

xiii) Documentation demonstrating infeasibility where Site Design and Runoff Reduction measures cannot retain required runoff volume

xiv) Documentation demonstrating infeasibility where retention-based Stormwater Control Measures cannot retain and/or treat the required runoff volume

[3] Calculate Equivalent Impervious Surface Area using guidance in Attachment E

xv) Documentation demonstrating infeasibility where on-site compliance cannot be achieved
xvi) Documentation demonstrating percentage of the project's Equivalent Impervious Surface Area dedicated to retention-based Stormwater Control Measures
xvii) Documentation of certification that the selection, sizing, and design of the Stormwater Control Measures meets the applicable Water Quality Treatment and Runoff Retention Performance Requirement
xviii) O&M Plan for all structural Stormwater Control Measures to ensure long-term performance
xix) Owner of facilities
xx) Statement of Compliance:
(1) Statement that the Water Quality Treatment and Runoff Retention Performance Requirements have been met on-site, or, if not achievable:
(a) Documentation of the volume of runoff for which compliance cannot be achieved on-site and the associated off-site compliance volume.
(b) Statement of intent to comply with Water Quality Treatment and Runoff Retention Performance Requirements through an Alternative Compliance agreement.

5) Performance Requirement No. 4: Peak Management
The Permittee shall require all Regulated Projects that create and/or replace ≥22,500 square feet of impervious surface (collectively over the entire project site) in Watershed Management Zones 1, 2, 3, 6, and 9 to manage peak stormwater runoff as required below (Section B.5.a.i.), and to meet Water Quality Treatment and Runoff Retention Performance Requirements.
a) The Permittee shall apply the following Peak Management Performance Requirements:
i) Post-development peak flows, discharged from the site, shall not exceed pre-project peak flows for the 2- through 10-year storm events.
b) Reporting Requirements – For each Regulated Project subject to the Peak Management Performance Requirement, the Permittee shall require the Project Applicant to provide the below information in a Stormwater Control Plan. The Permittee shall not grant final project approval, until the Stormwater Control Plan for the Regulated Project sufficiently demonstrates the Regulated Project design meets the Water Quality Treatment, Runoff Retention, and Peak Management Requirements.
i) Project Name, application number, and location including address and assessor's parcel number
ii) Name of Applicant
iii) Project Phase number (if project is being constructed in phases)
iv) Project Type (e.g., commercial, industrial, multiunit residential, mixed-use, public), and description
v) Total project site area
vi) Total new and/or replaced impervious surface area
vii) Statement of Water Quality Treatment, Runoff Retention, and Peak Management Performance Requirements that apply to the Project
viii) Adjusted Requirements based on the local jurisdiction's approval, that the Project is allowed a Special Circumstance, Watershed or Regional Plan, or Urban Sustainability Area designation
ix) Site assessment summary
x) LID Measures used:
(1) Site design measures
(2) Runoff Reduction Measures

(3) Post-construction structural Stormwater Control Measures

xi) Summary of Runoff Reduction Measures and Structural Stormwater Control Measures, by Drainage Management Area, as well as for the entire site

xii) Supporting calculations used to comply with the applicable Water Quality Treatment, Runoff Retention, and Peak Management Performance Requirements

xiii) Documentation demonstrating infeasibility where on-site compliance cannot be achieved

xiv) Documentation of certification that the selection, sizing, and design of the Stormwater Control Measures meets the applicable Water Quality Treatment, Runoff Retention, and Peak Management Performance Requirements

xv) O&M Plan for all structural SCMs to ensure long-term performance

xvi) Owner of facilities

xvii) Statement of Compliance:

(1) Statement that the Water Quality Treatment, Runoff Retention, and Peak Management Performance Requirements have been met on-site, or, if not achievable:

(a) Documentation of the volume of runoff for which compliance cannot be achieved on-site and the associated off-site compliance requirements.

(b) Statement of intent to comply with Water Quality Treatment, Runoff Retention, and Peak Management Performance Requirements through an Alternative Compliance agreement.

6) Performance Requirement No. 5: Special Circumstances

The Permittee may designate Regulated Projects as subject to Special Circumstances based on certain site and/or receiving water conditions. The Special Circumstances designation exempts a Regulated Project from Runoff Retention and/or Peak Management Performance Requirements where those Performance Requirements would be ineffective to maintain or restore beneficial uses of receiving waters. The Regulated Project subject to Special Circumstances must still comply with the Water Quality Treatment Performance Requirements.

a) Special Circumstances include:

i) Highly Altered Channel Special Circumstance:

The Permittee may designate Regulated Projects as subject to Special Circumstances for Highly Altered Channels for the following conditions:

(1) Project runoff discharges into stream channels that are concrete-lined or otherwise continuously armored from the discharge point to the channel's confluence with a lake, large river (>200-square mile drainage area).

(2) Project runoff discharges to a continuous underground storm drain system that discharges directly to a lake, large river (>200-square mile drainage area), the San Lorenzo River in the City of Santa Cruz, or marine nearshore waters

(3) Project runoff discharges to other areas identified by the Central Coast Water Board

(4) Under no circumstance described in 6.a.i. can runoff from the Regulated Project result in adverse impacts to downstream receiving waters

ii) Intermediate Flow Control Facility Special Circumstance:

(1) The Permittee may designate Regulated Projects as subject to Special Circumstances for Intermediate Flow Control Facilities if the project runoff discharges to an existing (as of the date when the Central Coast Water Board approved Resolution R3-2012-0025) flow control facility that regulates flow volumes and durations to levels that have been demonstrated to be protective of beneficial uses of the receiving water downstream of the facility.

(2) The flow control facility must have the capacity to accept the Regulated Project's runoff.
(3) Demonstration of facility capacity to accept runoff and to regulate flow volumes and durations must include quantitative analysis based on numeric, hydraulic modeling of facility performance.
(4) Under no circumstance described in Section B.6.a.ii. can runoff from the Regulated Project result in adverse impacts to downstream receiving waters.

iii) Historic Lake and Wetland Special Circumstance:
(1) The Permittee may designate Regulated Projects as subject to Special Circumstances for Historic Lakes and Wetlands for the following conditions:
(a) Project is located where there was once a historic lake or wetland where pre-development hydrologic processes included filtration and storage but no significant infiltration to support downstream receiving water.
(b) The Special Circumstance has been established based on a delineation of the historic lake or wetland approved by the Central Coast Water Board Executive Officer

b) Performance Requirements for Highly Altered Channel and/or Intermediate Flow Control Facility Special Circumstances:
i) For Regulated Projects that: 1) create and/or replace ≥22,500 square feet of impervious surface; 2) are located in WMZs 1, 2, 5, and 8, and those portions of WMZs 4, 7, and 10 that overlie a designated Groundwater Basin:
(1) Water Quality Treatment (Performance Requirement No. 2)
(2) Runoff Retention (Performance Requirement No. 3)
ii) For Regulated Projects that: 1) create and/or replace ≥22,500 square feet of impervious surface; and 2) are located in WMZs 3, 6, and 9, and those portions of WMZs 4, 7, and 10 that do not overlie a designated Groundwater Basin:
(1) Water Quality Treatment (Performance Requirement No. 2)

c) Performance Requirements for Historic Lake and Wetland Special Circumstances
i) For Regulated Projects that create and/or replace ≥15,000 and < 22,500 square feet of impervious surface and meet the Historic Lake and Wetland Special Circumstance:
(1) Water Quality Treatment (Performance Requirement No. 2)
(2) Detention: Detain runoff such that the post-project peak discharge rate does not exceed the pre-project rate for all runoff up to the 95th percentile 24-hr rainfall event, or a more protective rate consistent with the Permittee's own development requirements
ii) For Regulated Projects that create and/or replace ≥22,500 square feet of impervious surface and meet the Historic Lake and Wetland Special Circumstance:
(1) Water Quality Treatment (Performance Requirement No. 2)
(2) Peak Management: Detain runoff such that the post-project peak discharge rate does not exceed the pre-project rate for the 95th percentile 24-hr rainfall event and the 2- through 10-yr storm events or a more protective rate consistent with the Permittee's own development requirements.

d) Documentation and Approval of Special Circumstances – The Permittee shall provide reasonable documentation to justify that a Regulated Project is more appropriately categorized under the Special Circumstances category.
i) Historic Lake and Wetland Special Circumstance – Prior to granting a Regulated Project Special Circumstances, the Permittee shall submit a proposal to the Central Coast Water Board Executive Officer for review and approval. The proposal shall include, at a minimum:

(1) Delineation of historic lakes and wetlands and any supporting technical information to substantiate the requested Special Circumstances designation; and
(2) Documentation that the proposal was completed by a registered professional engineer, geologist, architect, and/or landscape architect.

C. Alternative Compliance (Off-Site Compliance)

Alternative Compliance refers to Water Quality Treatment, Runoff Retention and Peak Management Performance Requirements that are achieved off-site through mechanisms such as developer fee-in-lieu arrangements and/or use of regional facilities. Alternative Compliance may be allowed under the following circumstances:

1) Technical Infeasibility
   Off-site compliance with Water Quality Treatment, Runoff Retention, or Peak Management Performance Requirements may be allowed when technical infeasibility limits or prevents use of structural Stormwater Control Measures.
   a) To pursue Alternative Compliance based on technical infeasibility, the Regulated Project applicant, for Regulated Projects outside of Urban Sustainability Areas, must submit a site-specific hydrologic and/or design analysis conducted and endorsed by a registered professional engineer, geologist, architect, and/or landscape architect, demonstrating that compliance with the applicable numeric Post-Construction Stormwater Management Requirements is technically infeasible
   b) The Regulated Project applicant must submit a description of the project(s) that will provide off-site mitigation. The proposed off-site projects may be existing facilities and/or prospective projects that are as effective in maintaining watershed processes as implementation of the applicable Post-Construction Stormwater Requirements on-site. The description shall include:
      i) The location of the proposed off-site project(s), which must be within the same watershed as the Regulated Project. Alternative Compliance project sites located outside the watershed may be approved by the Central Coast Water Board Executive Officer
      ii) A schedule for completion of offsite mitigation project(s), where the off-site mitigation project(s) has not been constructed.
   c) Technical infeasibility may be caused by site conditions, including:
      i) Depth to seasonal high groundwater limits infiltration and/or prevents construction of subgrade stormwater control measures[4]
      ii) Depth to an impervious layer such as bedrock limits infiltration
      iii) Sites where soil types significantly limit infiltration
      iv) Sites where pollutant mobilization in the soil or groundwater is a documented concern
      v) Space constraints (e.g., infill projects, some redevelopment projects, high density development)
      vi) Geotechnical hazards

[4] According to the CASQA Frequently Asked Questions about LID, "some MS4 permits and BMP guidance manuals require anywhere from 3-10 feet of separation from the groundwater level for infiltration practices. This distance depends on the soil type, pollutants of concern, and groundwater use. In some cases, however, where there may be groundwater or soil contamination, LID infiltrative practices may be restricted completely. (p. 7 in https://www.casqa.org/Portals/0/LID/CA_LID_FAQ_06-28-2011.pdf)

vii) Stormwater Control Measures located within 100 feet of a groundwater well used for drinking water
viii) Incompatibility with surrounding drainage system (e.g., project drains to an existing stormwater collection system whose elevation or location precludes connection to a properly functioning treatment or flow control facility)

2) Approved Watershed or Regional Plan
An approved Watershed or Regional Plan as described below (Section C.2.a.), may be used to justify Alternative Compliance for a Regulated Project's numeric Runoff Retention and Peak Management Performance Requirements without demonstrating technical infeasibility.
a) The Permittee must submit the proposed Watershed or Regional Plan to the Central Coast Water Board Executive Officer for approval. Watershed and Regional Plans must take into consideration the long-term cumulative impacts of urbanization including existing and future development and include, at minimum:
i) A description of the project(s) that will provide off-site mitigation. The proposed off-site projects may be existing facilities and/or prospective projects.
ii) The location of the proposed off-site project(s), which must be within the same watershed as the Regulated Project. Alternative Compliance project sites located outside the watershed may be approved by the Central Coast Water Board Executive Officer.
iii) Demonstration that implementation of projects per the Watershed or Regional Plan will be as effective in maintaining watershed processes as implementation of the applicable Post-Construction Stormwater Requirements on-site. The proposal must include quantitative analysis (e.g., calculations and modeling) used to evaluate off-site compliance.
iv) A schedule for completion of offsite mitigation project(s), where the off-site mitigation project(s) has not been constructed.
b) The Permittee may use projects identified per the Watershed or Regional Plan to meet Water Quality Treatment Performance Requirements off-site only when:
i) The Regulated Project applicant has demonstrated that on-site water quality treatment is infeasible as described in Sections C.1.a and C.1.c., and
ii) The proposed off-site project(s) has been demonstrated to comply with the Water Quality Treatment Performance Requirements for the Regulated Project.

3) Approved Urban Sustainability Area
The Permittee may allow Regulated Projects located within an approved Urban Sustainability Area to pursue Alternative Compliance for numeric Runoff Retention and Peak Management Performance Requirements without demonstrating technical infeasibility.
a) The Urban Sustainability Area may only encompass redevelopment in high density urban centers (but not limited to incorporated jurisdictional areas) that are pedestrian-oriented and/or transit-oriented development projects intended to promote infill of existing urban areas. The Permittee must submit a proposal to the Central Coast Water Board Executive Officer for approval of an Urban Sustainability Area. The USA proposal must include, at minimum:
i) A definition and delineation of the USA for high-density infill and redevelopment for which area-wide approval for Alternative Compliance is sought.
ii) Information and analysis that supports the Permittee's intention to balance water quality protection with the needs for adequate housing, population growth, public transportation, land recycling, and urban revitalization.
iii) Demonstration that implementation of Alternative Compliance for Regulated Projects in the USA will meet or exceed the on-site requirements for Runoff Retention and

Peak Management. The proposal must include quantitative analysis (e.g., calculations and modeling) used to evaluate off-site compliance. Identification of specific off-site projects is not necessary for approval of the USA designation.

b) The Permittee may allow Regulated Projects in a USA to meet Water Quality Treatment Performance Requirements off-site only when:
   i) The Regulated Project applicant has demonstrated that on-site water quality treatment is infeasible as described in Sections C.1.a. and C.1.c., and
   ii) The proposed off-site project(s) have been demonstrated to comply with the Water Quality Treatment Performance Requirements.

c) The Central Coast Water Board Executive Officer will deem complete a Permittee's USA proposal within 60 days of receiving a complete proposal. The Central Coast Water Board Executive Officer will approve or deny the proposal within 120 days of a proposal being deemed complete.

4) Other situations as approved by the Central Coast Water Board Executive Officer

5) Location of Alternative Compliance Project(s) – The location of the proposed off-site project(s) must be within the same watershed as the Regulated Project. Alternative Compliance project sites located outside the watershed may be approved by the Central Coast Water Board Executive Officer.

6) Timing and Funding Requirements for Alternative Compliance Projects – The Permittee shall develop a schedule for the completion of off-site mitigation projects, including milestone dates to identify funding, design, and construction of the off-site projects.
   a) Complete the project(s) as soon as practicable and no longer than four years from the date of the certificate of occupancy for the project for which off-site mitigation is required, unless a longer period is otherwise authorized by the Central Coast Water Board Executive Officer.
   b) The timeline for completion of the off-site mitigation project may be extended, up to five years with prior Central Coast Water Board Executive Officer approval. Central Coast Water Board Executive Officer approval will be granted contingent upon a demonstration of good faith efforts to implement an Alternative Compliance project, such as having funds encumbered and applying for the appropriate regulatory permits.
   c) Require sufficient funding be transferred to the Permittee for public off-site mitigation projects. Require private off-site mitigation projects to transfer sufficient funding to a Permittee controlled escrow account, or provide the Permittee with appropriate project bonding within one year of the initiation of construction of the Regulated Project.
   d) The Permittee may establish different timelines and requirements that are more restrictive than those outlined above.

D. Field Verifications of Post-Construction Stormwater Control Measures

1) The Permittee shall establish and implement a mechanism (a checklist or other tools) to verify[5] that structural Water Quality Treatment, Runoff Retention, and/or Peak Management controls are designed and constructed in accordance with these Post-Construction Stormwater Management Requirements

[5] A series of checklists that can be used by both inspectors and maintenance personnel is available in the City of Santa Barbara Storm Water BMP Guidance Manual, Appendix H: Facility Inspection and Maintenance Checklists. GeoSyntec Consultants, July 2008. http://www.santabarbaraca.gov/Resident/Community/Creeks/Low_Impact_Development.htm

2) Prior to occupancy of each Regulated Project, the Permittee shall field verify that the Site Design, Water Quality Treatment, Runoff Retention, and/or Peak Management controls have been implemented in accordance with these Post-Construction Requirements
   a) The Permittee may accept third-party verification of SCMs conducted and endorsed by a registered professional engineer, geologist, architect, and/or landscape architect
   b) The Permittee shall ensure, through conditions of approval or other legally enforceable agreements or mechanisms, that site access is granted to all representatives of the Permittee for the sole purpose of performing operation and maintenance (O&M) inspections of the installed Stormwater Control Measures

E. Operation and Maintenance for Structural SCMs

The Permittee shall require O&M Plans and Maintenance Agreements that clearly establish responsibility for all structural Water Quality Treatment, Runoff Retention, and/or Peak Management controls on private and public Regulated Projects. The Permittee shall also maintain a structural SCM tracking database to support long-term performance of structural SCMs.

1) O&M Plan
   The Regulated Project applicant shall develop and implement a written O&M Plan that, at a minimum, includes each component listed below. The Permittee may allow the Regulated Project applicant to include the O&M Plan components in the Stormwater Control Plan in place of developing a separate document. The Permittee shall approve the O&M Plan prior to final approval/occupancy. The O&M Plan must include, at minimum:
   a) A site map identifying all structural Stormwater Control Measures requiring O&M practices to function as designed
   b) O&M procedures for each structural stormwater control measure including, but not limited to, LID facilities, retention/detention basins, and proprietorship devices.
   c) The O&M Plan will include short-and long-term maintenance requirements, recommended frequency of maintenance, and estimated cost for maintenance.
2) Maintenance Agreement and Transfer of Responsibility for SCMs
   Prior to issuing approval for final occupancy each Permittee shall require that Regulated Projects subject to these Post-Construction Requirements provide verification of ongoing maintenance provisions for Structural Stormwater Control Measures, including but not limited to legal agreements, covenants, CEQA mitigation requirements, and or conditional use permits. Verification shall include, at a minimum:
   a) The project owner's signed statement accepting responsibility for the O&M of the installed onsite and/or offsite structural treatment and flow control SCMs until such responsibility is legally transferred to another entity; and either
      i) A signed statement from the public entity assuming responsibility for structural treatment and flow control SCM maintenance and stating that the SCM meets all local agency design standards; or
      ii) Written conditions in the sales or lease agreements or deed for the project that require the buyer or lessee to assume responsibility for the O&M of the onsite and/or offsite structural treatment and flow control SCM until such responsibility is legally transferred to another entity; or
      iii) Written text in project deeds, or conditions, covenants and restrictions for multi-unit residential projects that require the homeowners association or, if there is no association, each individual owner to assume responsibility for the O&M of the onsite and/or offsite structural treatment and flow control SCM until such responsibility is legally transferred to another entity; or

iv) Any other legally enforceable agreement or mechanism, such as recordation in the property deed, that assigns responsibility for the O&M of the onsite and/or offsite structural treatment and flow control SCM to the project owner(s) or the Permittee

3) Structural Stormwater Control Measure O&M Database
The Permittee shall develop a database with information regarding each structural Stormwater Control Measure installed per these Post-Construction Stormwater Management Requirements. The Database shall contain, at a minimum, fields for:
   a) SCM identification number and location/address
   b) Type of SCM
   c) Completion date of the following project stages, where applicable:
      i) Construction
      ii) Field verification of SCM
      iii) Final Project approval/occupancy
      iv) O&M plan approval by Permittee
   d) Location (physical and/or electronic) where the O&M Plan is available to view
   e) Party responsible for O&M
   f) Source of funding for O&M
   g) Verification that responsible party has maintained the SCM as outlined in the O&M Plan, or, indication that a self-inspection program is in place to verify that the SCM continues to function as designed and to repair and/or replace the SCM if it is not functioning as designed
   h) Any problems identified during inspections including any vector or nuisance problems.

F. Permittee Reporting Requirements

1) The Permittee shall submit a sample checklist and the number of permits regulated under the Site Design and Runoff Reduction Requirement (No. 1) as part of Stormwater Program Annual Reporting. This information must demonstrate the Site Design and Runoff Reduction Performance Requirement (No. 1) is applied to all applicable projects.
2) The Permittee shall report the following for all Regulated Projects subject to numeric Performance Requirements (Nos. 2, 3, 4, and 5) in Stormwater Program Annual Reporting:
   a) The total number of completed Regulated Projects
   b) The total number of Regulated Projects within each of the following categories of new and/or replaced impervious surface:
      i) $\geq$ 5,000 and <15,000 (based on Net Impervious Area)
      ii) $\geq$ 15,000 and < 22,500
      iii) $\geq$ 22,500
   c) A list of which projects were granted each of the following :
      i) Special Circumstances – Highly Altered Channel
      ii) Special Circumstances – Intermediate Flow Control Facility
      iii) Special Circumstances – Historic Lake or Wetland
      iv) Alternative Compliance – Technical Infeasibility
         (1) Performance Requirement No. 2: Water Quality Treatment
         (2) Performance Requirement No. 3: Runoff Retention
         (3) Performance Requirement No. 4: Peak Management
      v) Alternative Compliance – Watershed or Regional Plan
      vi) Alternative Compliance – Urban Sustainability Area
      vii) Other Technical Infeasibility
         (1) Technical infeasibility to retain the required runoff volume (per Performance Requirement No. 3: Runoff Retention) using Site Design and Runoff Reduction measures

(2) Technical infeasibility to retain and/or treat the required runoff volume (per Performance Requirement No. 3: Runoff Retention) using retention-based Stormwater Control Measures

d) Confirmation by the Permittee that for all Permittee-approved technical infeasibility determinations, the Regulated Project's Stormwater Control Plan adequately demonstrated the basis for the technical infeasibility

e) A list of mitigation projects constructed for Alternative Compliance and the following project information:
   i) A summary description of pollutant and flow reduction analyses (compiled from design specifications submitted by project applicants and approved by the Permittee) comparing the expected aggregate results of Alternative Compliance projects to the results that would otherwise have been achieved by meeting the numeric Performance Requirements on-site
   ii) For public offsite mitigation projects, a summation of total offsite mitigation funds raised to date and a description (including location, general design concept, volume of water expected to be retained, and total estimated budget) of all pending public offsite mitigation projects

f) Number of Regulated Projects where Field Verification of Post-Construction Stormwater Management Measures was required and was NOT completed

g) Number of Regulated Projects where the required O&M Plan was NOT submitted/completed

h) Number of Regulated Projects where Ownership and Responsibility of structural Stormwater Control Measures was not completed

i) Structural Stormwater Control Measure O&M Database, including elements identified in Section E.3. Tabular spreadsheet data are acceptable.
   i) The Permittee shall provide Central Coast Water Board staff electronic access to the database.

G. Pre-existing Programs

a) A Permittee may propose, for Central Coast Water Board Executive Officer approval, implementation of pre-existing post-construction stormwater management requirements for development projects in the Permittee's jurisdictional coverage area, in place of implementing the requirements set forth in the Post-Construction Requirements. To be eligible for consideration and approval, the proposal must demonstrate the following:
   i) The Permittee's pre-existing post-construction stormwater management requirements are as effective as the Post-Construction Requirements in maintaining watershed processes, impacted by stormwater management, that are necessary to protect water quality and beneficial uses;
   ii) The Permittee was implementing its pre-existing post-construction stormwater management requirements prior to Central Coast Water Board approval of the Post-Construction Requirements; and
   iii) The Permittee's pre-existing post-construction stormwater management requirements include LID site design and runoff reduction measures, numeric runoff treatment controls, numeric runoff retention controls, numeric runoff peak management controls, and project applicability thresholds as effective as those included in the Post-Construction Requirements.

b) A Permittee must submit its proposal within 30 days of adoption of the Post-Construction Requirements by the Central Coast Water Board. The Central Coast Water Board Executive Officer will approve or deny the proposal within 90 days of receipt of a proposal.

c) If the Central Coast Water Board Executive Officer denies a Permittee's proposal, the Permittee shall adhere to the Post-Construction Requirements provisions and deadlines.

ATTACHMENT A: Watershed Management Zones

Available electronically at:
http://www.waterboards.ca.gov/centralcoast/water_issues/programs/stormwater/docs/lid/lid_hydromod_charette_index.shtml

ATTACHMENT B: Designated Groundwater Basins

Groundwater basin areas are defined by the California Department of Water Resources (CDWR)[6] and used in the Central Coast Water Board Joint Effort for Hydromodification Control to identify groundwater receiving-water issues and areas where recharge is a key watershed process. CDWR based identification of the groundwater basins on the presence and areal extent of unconsolidated alluvial soils identified on a 1:250,000 scale from geologic maps provided by the California Department of Conservation, Division of Mines and Geology. CDWR then further evaluated identified groundwater basin areas through review of relevant geologic and hydrogeologic reports, well completion reports, court-determined adjudicated basin boundaries, and contact with local agencies to refine the basin boundaries.

Designated Groundwater Basins include those identified in the CDWR Groundwater Basins Map. Numbers correspond to Groundwater Basins in Table 1.

[6] California Department of Water Resources. 2004. Groundwater basin map. <http://www.water.ca.gov/groundwater/bulletin118/gwbasin_maps_descriptions.cfm>. Accessed September 15, 2006.

Draft Resolution No. R3-2013-0032 **ATTACHMENT 1**

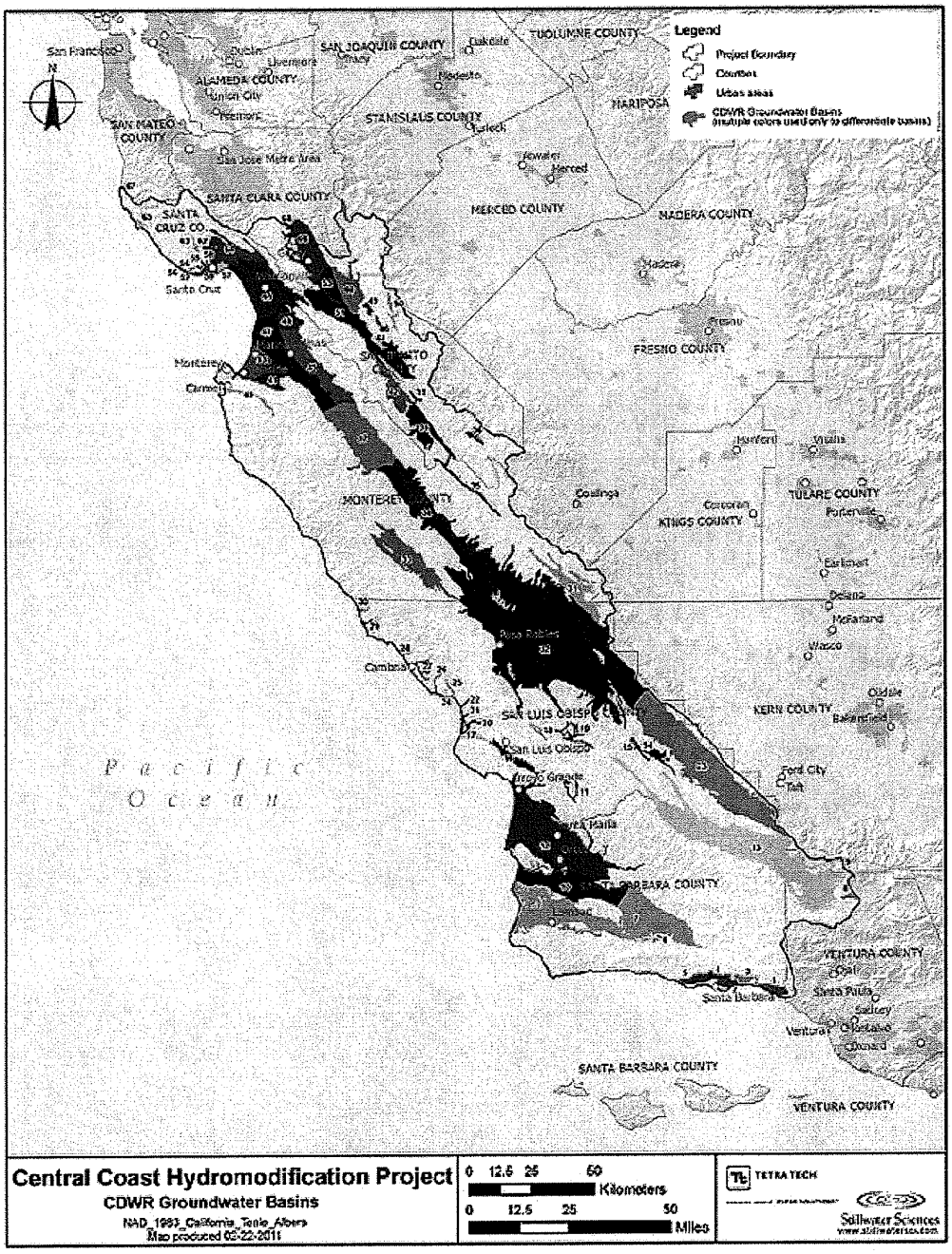


Table 1: Groundwater Basins in the Central Coast Region by GIS Basin Number (See Map)

GIS BASIN NUMBER	GROUNDWATER BASIN NAME	GIS BASIN NUMBER	GROUNDWATER BASIN NAME
1	Carpinteria	35	Peach Tree valley
2	Santa Barbara	36	Hernandez valley
3	Montecito	37	Salinas valley
4	Foothill	38	Bitter Water valley
5	Goleta	39	Dry Lake valley
6	Santa Ynez River valley	40	Carmel valley
7	Santa Ynez River valley	41	Salinas valley
8	Lockwood valley	42	San Benito river valley
9	Mil Potrero area	43	Salinas valley
10	San Antonio Creek valley	44	Tres Pinos valley
11	Huasna valley	45	Salinas valley
12	Santa Maria	46	Upper Santa Ana valley
13	Cuyama valley	47	Salinas valley
14	Big Spring area	48	Salinas valley
15	Rafael valley	49	Santa Ana valley
16	San Luis Obispo valley	50	Quien Sabe valley
17	Los Osos valley	51	Gilroy-Hollister valley
18	Rinconada valley	52	Needle Rock point
19	Pozo valley	53	Gilroy-Hollister valley
20	Chorro valley	54	West Santa Cruz terrace
21	Morro valley	55	West Santa Cruz terrace
22	Toro valley	56	Majors creek
23	Carrizo Plain	57	Soquel valley
24	Cayucos valley	58	West Santa Cruz terrace
25	Old valley	59	West Santa Cruz terrace
26	Villa valley	60	Gilroy-Hollister valley
27	Santa Rosa valley	61	Pajaro valley
28	San Simeon valley	62	Scotts valley
29	Arroyo de la Cruz valley	63	Felton area
30	San Carpoforo valley	64	Santa Cruz Purisima formation
31	Cholame valley	65	Ano Nuevo area
32	Salinas valley	66	Gilroy-Hollister valley
33	Lockwood valley	67	Pescadero valley
34	Salinas valley	68	Santa Clara valley

ATTACHMENT C: Definitions Related to Post-Construction Requirements

Bioretention – A Stormwater Control Measure designed to retain stormwater runoff using vegetated depressions and soils engineered to collect, store, treat, and infiltrate runoff. Bioretention designs do not include underdrains.

Biotreatment or Biofiltration Treatment –A Stormwater Control Measure designed to detain stormwater runoff, filter stormwater through soil media and plant roots, and release the treated stormwater runoff to the storm drain system. Biotreatment systems include an underdrain.

Discretionary Approval – A project approval which requires the exercise of judgment or deliberation when the MS4 decides to approve or disapprove a particular activity, as distinguished from situations where the MS4 merely has to determine whether there has been conformity with applicable statutes, ordinances, or regulations.

Dispersion – The practice of routing stormwater runoff from impervious areas, such as rooftops, walkways, and patios, onto the surface of adjacent pervious areas. Stormwater runoff is dispersed via splash block, dispersion trench, or sheet flow and soaks into the ground as it moves slowly across the surface of the pervious area.

Drainage Management Area (DMAs) – Following the low impact development principle of managing stormwater through small-scale, decentralized measures, DMAs are designated individual drainage areas within a Regulated Project that typically follow grade breaks and roof ridge lines and account for each surface type (e.g., landscaping, pervious paving, or roofs). Stormwater Control Measures for runoff reduction and structural facilities are designed for each DMA.

Equivalent Impervious Surface Area – is equal to *Impervious Tributary Surface Area* (ft^2) + *Pervious Tributary Surface Area* (ft^2), where *Impervious Tributary Surface Area* is defined as the sum of all of the site's conventional impervious surfaces, and *Pervious Tributary Surface Area* is defined as the sum of all of the site's pervious surfaces, corrected by a factor equal to the surface's runoff coefficient.

Evapotranspiration (ET) – The loss of water to the atmosphere by the combined processes of evaporation (from soil and plant surfaces) and transpiration (from plant tissues).

Flow-Through Water Quality Treatment Systems – Stormwater Control Measures that are designed to treat stormwater through filtration and/or settling. Flow-through systems do not provide significant retention or detention benefits for stormwater volume control.

Groundwater Basins – Groundwater basin areas defined by the California Department of Water Resources (DWR) and used in the Central Coast Water Board Joint Effort for Hydromodification Control to identify groundwater receiving-water issues and areas where recharge is a key watershed process. DWR based identification of the groundwater basins on the presence and areal extent of unconsolidated alluvial soils identified on a 1:250,000 scale from geologic maps provided by the California Department of Conservation, Division of Mines and Geology. DWR then further evaluated identified groundwater basin areas through review of relevant geologic and hydrogeologic reports, well completion reports, court-determined adjudicated basin boundaries, and contact with local agencies to refine the basin boundaries.

Impervious Surface – A hard, non-vegetated surface area that prevents or significantly limits the entry of water into the soil mantle, as would occur under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater. Open, uncovered retention/detention facilities shall not be considered as impervious surfaces for purposes of determining whether the thresholds for application of Performance Requirements are exceeded. However, for modeling purposes, open, uncovered facilities that retain/detain water (e.g., retention ponds, pools) shall be considered impervious surfaces.

Land recycling – The reuse of abandoned, vacant, or underused properties for redevelopment or repurposing

Landscaped Areas – Areas of soil and vegetation not including any impervious surfaces of ancillary features such as impervious patios, BBQ areas, and pools.

Large River – A river draining 200 square miles or more.

Low Impact Development (LID) – A stormwater and land use management strategy that strives to mimic pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation, and transpiration by emphasizing conservation, use of on-site natural features, site planning, and distributed stormwater management practices that are integrated into a project design.

Ministerial Approval – A project approval which involves little or no personal judgment by the MS4 as to the wisdom or manner of carrying out the project and only involves the use of fixed standards or objective measurements.

Native Vegetation – Vegetation comprised of plant species indigenous to the Central Coast Region and which reasonably could have been expected to naturally occur on the site.

Net Impervious Area – The sum of new and replaced post-project impervious areas, minus any reduction in total imperviousness from the pre-project to post-project condition: *Net Impervious Area = (New and Replaced Impervious Area) – (Reduced Impervious Area Credit),* where *Reduced Impervious Area Credit* is the total pre-project to post-project reduction in impervious area, if any.

New Development – Land disturbing activities that include the construction or installation of buildings, roads, driveways and other impervious surfaces. Development projects with pre-existing impervious surfaces are not considered New Development.

Percentile Rainfall Event (e.g., 85th and 95th) – A percentile rainfall event represents a rainfall amount which a certain percent of all rainfall events for the period of record do not exceed. For example, the 95th percentile rainfall event is defined as the measured rainfall depth accumulated over a 24-hour period, for the period of record, which ranks as the 95th percentile rainfall depth based on the range of all daily event occurrences during this period.

Permeable or Pervious Surface – A surface that allows varying amounts of stormwater to infiltrate into the ground. Examples include pasture, native vegetation areas, landscape areas, and permeable pavements designed to infiltrate.

Pre-Project – Stormwater runoff conditions that exist onsite immediately before development activities occur. This definition is not intended to be interpreted as that period before any human-induced land activities occurred. This definition pertains to redevelopment as well as initial development.

Project Site – The area defined by the legal boundaries of a parcel or parcels of land within which the new development or redevelopment takes place and is subject to these Post-Construction Stormwater Management Requirements.

Rainwater Harvest – Capture and storage of rainwater or stormwater runoff for later use, such as irrigation (without runoff), domestic use (e.g. toilets), or storage for fire suppression.

Receiving Waters – Bodies of water, surface water systems or groundwater that receive surface water runoff through a point source, sheet flow or infiltration.

Redevelopment – On a site that has already been developed, construction or installation of a building or other structure subject to the Permittee's planning and building authority including: 1) the creation or addition of impervious surfaces; 2) the expansion of a building footprint or addition or replacement of a structure; or 3) structural development including construction, installation or expansion of a building or other structure. It does not include routine road maintenance, nor does it include emergency construction activities required to immediately protect public health and safety.

Replaced Impervious Surface – The removal of existing impervious surfaces down to bare soil or base course, and replacement with new impervious surface. Replacement of impervious surfaces that are part of routine road maintenance activities are not considered replaced impervious surfaces.

Routine Road Maintenance – includes pothole and square cut patching; overlaying existing asphalt or concrete pavement with asphalt or concrete without expanding the area of coverage; shoulder grading; reshaping/regrading drainage systems; crack sealing; resurfacing with in-kind material without expanding the road prism or altering the original line and grade and/or hydraulic capacity of the road.

Self-Retaining Areas – (also called "zero discharge" areas), are designed to retain some amount of rainfall (by ponding and infiltration and/or evapotranspiration) without producing stormwater runoff. Self-Retaining Areas may include graded depressions with landscaping or pervious pavement.

Self-Treating Areas – are a portion of a Regulated Project in which infiltration, evapotranspiration and other natural processes remove pollutants from stormwater. The self-treating areas may include conserved natural open areas and areas of native landscaping. The self-treating area only treats the rain falling on itself and does not receive stormwater runoff from other areas.

Single-Family Residence – The building of one single new house or the addition and/or replacement of impervious surface associated with one single existing house, which is not part of a larger plan of development.

Stormwater Control Measures – Stormwater management measures integrated into project designs that emphasize protection of watershed processes through replication of pre-

development runoff patterns (rate, volume, duration). Physical control measures include, but are not limited to, bioretention/rain gardens, permeable pavements, roof downspout controls, dispersion, soil quality and depth, minimal excavation foundations, vegetated roofs, and water use. Design control measures include but are not limited to conserving and protecting the function of existing natural areas, maintaining or creating riparian buffers, using onsite natural drainage features, directing runoff from impervious surfaces toward pervious areas, and distributing physical control measures to maximize infiltration, filtration, storage, evaporation, and transpiration of stormwater before it becomes runoff.

Stormwater Control Plan – A plan, developed by the Regulated Project applicant, detailing how the project will achieve the applicable Post-Construction Stormwater Management Requirements (for both onsite and offsite systems).

Tributary Area – The entire project area except for undisturbed areas or planted areas with native vegetation that do not receive runoff from other areas and impervious surface areas that discharge to infiltrating areas that will not produce runoff or create nuisance ponding. The Drainage Management Areas are smaller Tributary Areas that cumulatively make up the Tributary Area for the entire site.

ATTACHMENT D: Hydrologic Analysis and Stormwater Control Measure Sizing Guidance

Project site conditions will influence the ability to comply with the Water Quality Treatment and Runoff Retention Performance Requirements. This Appendix provides the acceptable Stormwater Control Measure (SCM) sizing methodology to evaluate runoff characteristics. This guidance provides a simple event-based approach and a runoff routing approach. Both of these approaches are based on sizing for a single-event and avoid the necessity of using calibrated, continuous simulation modeling. The Permittee can allow project applicants to use a locally/regionally calibrated continuous simulation-based model to improve hydrologic analysis and SCM sizing.

1) Determination of Tributary Area

Determining the Tributary Area is the basis for calculating the runoff volumes subject to Performance Requirement Number 3. Tributary Area should be calculated for each individual Drainage Management Area to facilitate the design of SCMs for each Drainage Management Area. The generic equation below illustrates how various portions of the site are addressed when determining the Tributary Area. The Tributary Area calculation must also account for the adjustments for Redevelopment Projects subject to Performance Requirement No. 3.

a) Compute the Tributary Area, using the equation:

Tributary Area = (Entire Project Area) – (Undisturbed or Planted Areas) – (Impervious Surface Areas that Discharge to Infiltrating Areas)***

*As defined in Section B.4.d.iv.1.
** As defined in Section B.4.d.iv.2.

b) Adjustments for Redevelopment Project Tributary Area – Where the Regulated Project includes replaced impervious surface, the following Tributary Area adjustments apply:

i) Redevelopment Projects outside an approved Urban Sustainability Area, as described in Section C.3. – The total amount of replaced impervious surface area shall be multiplied by 0.5 when calculating the Tributary Area.
ii) Redevelopment Projects located within an approved Urban Sustainability Area (Section C.3) – The replaced impervious surface areas may be subtracted from the Tributary Area. The total amount of runoff volume to be retained from replaced impervious surfaces shall be equivalent to the pre-project runoff volume retained.

2) Determination of Retention Volume

a) Based on the Regulated Project's Watershed Management Zone, determine the Regulated Project's Runoff Retention Requirement (e.g., Retain 95th Percentile 24-hour Rainfall Event, or, Retain 85th Percentile 24-hour Rainfall Event).

b) Determine the 85th or 95th percentile 24-hour rainfall event:
Use either the methodology provided in Part I.D of the December 2009 Technical Guidance on Implementing the Stormwater Runoff Requirements for Federal Projects

under Section 438 of the Energy Independence and Security Act,[7] or, rainfall statistics provided by the Central Coast Water Board, whichever produces a more accurate value for rainfall depth.

c) Compute the Runoff Coefficient[8] "C" for the area tributary to the SCMs, using the equation:

$C = 0.858i^3 - 0.78i^2 + 0.774i + 0.04$
Where "i" is the fraction of the tributary area that is impervious[9]

d) Compute Retention Volume:

Retention Volume for 95th Percentile 24-hr Rainfall Depth = C x Rainfall Depth$_{95th}$ x Tributary Area

or,

Retention Volume for 85th Percentile 24-hr Rainfall Depth = C x Rainfall Depth$_{85th}$ x Tributary Area

All rainfall directly incident to each SCM must be considered in determining runoff, including: tributary landscaping, impervious areas, pervious pavements, and bioretention features.

Note: For redevelopment projects located within an approved Urban Sustainability Area (Section C.3.), the total amount of runoff volume to be retained from replaced impervious surfaces shall be equivalent to the pre-project runoff volume retained.

3) Structural Stormwater Control Measure Sizing
The Permittee shall require the Regulated Project applicant to use structural SCMs that optimize retention and result in optimal protection and restoration of watershed processes, such as Structural Control Measures associated with small-scale, decentralized facilities designed to infiltrate, evapotranspirate, filter, or capture and use stormwater, to address the volumes calculated in 2 (above). Where the Regulated Project is within a Watershed Management Zone where infiltration is required, Permittees must use SCM designs that optimize infiltration of the entire Retention Volume to minimize the potential need for off-site mitigation. Various resources provide design guidance for fully infiltrative SCMs including:

- The Contra Costa C.3 Manual
- The City of Santa Barbara LID BMP Manual
- The City of San Diego LID Design Manual, July 2011
- Central Coast LID Initiative Bioretention Design Guidance

a) Calculate SCM Capture Volume – Calculate the required SCM Capture Volume, associated with the Regulated Project's Runoff Retention Requirement, by one of the following methods:

Method 1: Simple Method
SCM Capture Volume = Retention Volume for 95th Percentile 24-hr Rainfall Depth

---

[7] USEPA, 841-B-09-00. http://www.epa.gov/owow/NPS/lid/section438/pdf/final_sec438_eisa.pdf
[8] As set forth in WEF Manual of Practice No. 23/ASCE Manual of Practice No. 87, (1998), pages 175-178 and based on the translation of rainfall to runoff using a runoff regression equation developed using two years of data from more than 60 urban watersheds nationwide.
[9] As defined in Post-Construction Requirements Attachment C.

or,

SCM Capture Volume = Retention Volume for 85th Percentile 24-hr Rainfall Depth

Method 2: Routing Method
Use a hydrograph analysis[10] to determine the SCM Capture Volume needed to retain the Retention Volume for 95th or 85th Percentile 24-hr Rainfall Depth calculated in 2 (above). The SCM Capture Volume shall be based on both the rate of flow from tributary areas into the SCM, and the rate of flow out of the SCM through infiltration into the underlying soil during the rain event. When conducting the hydrograph analysis, adhere to the criteria included in Table 1. The SCM shall be designed such that a single 95th or 85th Percentile 24-hr Rainfall Event will not overflow the SCM.

If the Retention Volume cannot infiltrate within 48-hours, a multiplier of 1.20 shall be applied to the SCM Capture Volume calculated through the routing method.

TABLE 1: Routing Method Criteria

Parameter	Criteria
Hydrograph Analysis Method	National Resources Conservation Service or Santa Barbara Urban Hydrograph
Pond Routing Method	Storage-indication, unless otherwise justified to be more correct based on site and storage conditions.
Infiltration Rate	Underlying soil saturated infiltration rate, as indicated by locally accepted data approved by the Permittee and/or by on-site testing, whichever is more accurate.
Rainfall Distribution	National Resources Conservation Service Type I[11] or based on local rainfall data
Time of Concentration	Permittee's current drainage and flood control standard
Time Increment	0.10 hour, unless otherwise justified to be more correct based on rainfall distribution

b) Demonstration of Compliance – Permittees shall require Regulated Projects to demonstrate that site SCMs: a) will infiltrate and/or evapotranspirate the Retention Volume or, b) will provide sufficient Capture Volume to retain the Retention Volume. Any outlet (i.e., underdrain) installed in a structural SCM shall be installed above the elevation of any portion of the structural SCM dedicated to Retention Volume storage.

[10] HydroCad is an example of a commonly used and widely accepted program for performing hydrograph analyses and design of stormwater infrastructure. HydroCad is based on U.S. Department of Agriculture Soil Conservation Service's (now Natural Resources Conservation Service) TR-55: Urban Hydrology for Small Watersheds.

[11] The National Resources Conservation Service developed standard 24-hour rainfall distributions for hydrograph analyses. These rainfall distributions were intended to represent intensities associated with shorter duration storms, ranging from durations of 30 minutes to 12 hours. The National Resources Conservation Service Type 1 storm applies to the California West Coast, including the Central Coast Region. The Type 1 rainfall distribution was derived using National Oceanic Atmospheric Administration Atlas 2 rainfall statistics for the 1-year through 100-year storm.

c) Compliance with Water Quality Treatment Performance Requirement – Permittees shall require Regulated Projects that propose to use the retention-based structural Stormwater Control Measures to also meet the Water Quality Treatment Performance Requirement, to demonstrate, in the Stormwater Control Plan, that the Water Quality Treatment Performance Requirement is being fully met.

ATTACHMENT E: Ten Percent Adjustment to Retention Requirement – Calculation Instructions

Where technical infeasibility, as described in Section C.1.c., prevents full on-site compliance with the Runoff Retention Performance Requirement, on-site retention of the full Retention Volume per Section B.4.d.vi. is not required and the Regulated Project is required to dedicate no less than ten percent of the Regulated Project's Equivalent Impervious Surface Area[12] to retention-based Stormwater Control Measures. The Water Quality Treatment Performance Requirement is not subject to this adjustment, i.e., mitigation to achieve full compliance is required on- or off-site.

Calculating Ten Percent of a Project's Equivalent Impervious Surface Area

The area of the project that must be dedicated to structural SCMs to waive off-site compliance with the Runoff Retention Requirement is equal to ten percent of the project's Equivalent Impervious Surface Area, defined as:

Equivalent Impervious Surface Area (ft^2) = (Impervious Tributary Surface Area (ft^2) + (Pervious Tributary Surface Area (ft^2))

Impervious Tributary Surface Area is defined as the sum of all of the site's conventional impervious surfaces. When calculating Impervious Tributary Area:

- Do include: concrete, asphalt, conventional roofs, metal structures and similar surfaces
- Do not include: green roofs

Pervious Tributary Surface Area is defined as the sum of all of the site's pervious surfaces, corrected by a factor equal to the surface's runoff coefficient. When calculating Pervious Tributary Surface Area:

- Do include surfaces such as: unit pavers on sand; managed turf[13]; disturbed soils; and conventional landscaped areas (see Table 1 for correction factors).
  Example:
  Project Site includes 500 ft^2 of unit pavers on sand.
  Pervious Tributary Surface Area = 500 ft^2 x C = 50 ft^2
  Where C = Correction Factor for unit pavers, 0.1, from Table 1.

- Do not include: Infiltration SCM surfaces (e.g., SCMs designed to specific performance objectives for retention/infiltration) including bioretention cells, bioswales; natural and undisturbed landscape areas, or landscape areas compliant with the Model Water Efficient Landscape Ordinance (California Code of Regulations, Title 23. Waters, Division 2. Department of Water Resources, Chapter 2.7.), or a local ordinance at least as effective as the Model Water Efficient Landscape Ordinance.

[12] Calculate Equivalent Impervious Surface Area using guidance in Attachment E
[13] Managed Turf includes turf areas intended to be mowed and maintained as turf within residential, commercial, industrial, and institutional settings.

TABLE 1: Correction Factors[14] for Use in Calculating Equivalent Impervious Surface Area

Pervious Surface	Correction Factor
Disturbed Soils/Managed Turf (dependent on original Hydrologic Soil Group)	A: 0.15 B: 0.20 C: 0.22 D: 0.25
Pervious Concrete	0.60
Cobbles	0.60
Pervious Asphalt	0.55
Natural Stone (without grout)	0.25
Turf Block	0.15
Brick (without grout)	0.13
Unit Pavers on Sand	0.10
Crushed Aggregate	0.10
Grass	0.10

[14] Factors are based on runoff coefficients selected from different sources: Turf and Disturbed Soils from *Technical Memorandum: The Runoff Reduction Method.* Center for Watershed Protection & Chesapeake Stormwater Network. p.13, April 18, 2008. http://town.plympton.ma.us/pdf/land/scheuler_runoff_reduction_method_techMemo.pdf. All other correction factors from *C.3 Stormwater Handbook, Santa Clara Valley Urban Runoff Pollution Prevention Program, Appendix F*, p. F-9., May 2004. http://www.sanjoseca.gov/planning/stormwater/pdfs/appendices_files/Appendix_F_Final.pdf

ATTACHMENT F: Calculating Off-Site Retention Requirements When Less Than 10 Percent of the Project Site Equivalent Impervious Surface Area is Allocated to Retention-Based Structural Stormwater Control Measures

The following instructions demonstrate how to determine the Off-Site Retention Requirements when a Regulated Project subject to the Runoff Retention Performance Requirement, cannot allocate the full 10% of the project site's Equivalent Impervious Surface Area[15] to retention-based Stormwater Control Measures (SCMs).

STEP A. Potential Off-Site Mitigation Retention Volume
First calculate the Potential Off-Site Mitigation Retention Volume, which represents the additional volume of runoff that would have been retained on-site, had the full 10% of Equivalent Impervious Surface Area been dedicated to retention-based SCMs.

Equation A:
Potential Off-Site Mitigation Retention Volume = (the portion of the 10% Equivalent Impervious Area not allocated on-site) X (the On-Site Retention Feasibility Factor)

Where:

- *The portion of the 10% Equivalent Impervious Surface Area not allocated on-site* is that portion not allocated to on-site structural retention-based SCMs. For example, if 10% of Equivalent Impervious Surface Area is 1,000 ft^2 and only 8% (800 ft^2) is allocated to retention-based SCMs, the remaining 2% (200 ft^2) is the value inserted in the equation.

- *The On-Site Retention Feasibility Factor* is the ratio of Design Retention Volume[16] managed on-site (ft^3), to actual area (ft^2) allocated to structural SCMs. This establishes the site's retained volume:area ratio, expressed as cubic feet of retained runoff volume per square foot of area. For example, if a project is able to infiltrate 3,500 ft^3 of runoff over an 800-ft^2 area, this ratio of 3,500:800, or 4.38, is the On-Site Retention Feasibility Factor.

STEP B. Actual Off-Site Mitigation Retention Volume
Next, determine the Actual Off-Site Mitigation Retention Volume, which may be less than the Potential Off-Site Mitigation Retention Volume. The Actual Off-Site Mitigation Retention Volume is the lesser of the volume calculated in Equation A, and the remaining portion of the Design Retention Volume, calculated per Attachment D, not controlled on-site. There are two possible outcomes when the Runoff Retention Performance Requirement is not met on-site and less than 10% of the site's Equivalent Impervious Surface Area is allocated to retention-based SCMs:

- Potential Off-Site Mitigation Retention Volume is the Actual Off-Site Mitigation Retention Volume
- Remaining Design Retention Volume represents Actual Off-Site Design Retention Mitigation Volume

[15] Calculate Equivalent Impervious Surface Area using guidance in Post-Construction Requirements Attachment E

[16] Calculate Design Retention Volume using guidance in Post-Construction Requirements Attachment D, or equivalent method. Final Design Retention Volumes should reflect the applicant's demonstrated effort to use non-structural design measures to reduce the amount of runoff (e.g., reduction of impervious surfaces) as required by the Post-Construction Requirements' LID Development Standards (Section B.4.d).

EXHIBIT E

Applicable Policies from the Conservation and Open Space Element

Policy BR 4.2 **Minimize Impacts from Development**
Minimize the impacts of public and private development on streams and associated riparian vegetation due to construction, grading, resource extraction, and development near streams.

Policy Consistency: This ordinance seeks to minimize biological related impacts associated with stormwater discharges. It accomplishes this by requiring that new development projects prepare a Stormwater Control Plan that demonstrates compliance with the Central Coast Post-Construction Requirements. These requirements include (1) runoff reduction; (2) water quality treatment; (3) runoff retention; and (4) peak management.

Policy BR 4.4 **Vegetated Treatment Systems (Low Impact Development Techniques)**
Promote use and maintenance of engineered, vegetated treatment systems such as constructed wetlands, vegetated swales, or vegetated filter strips where they will reduce nonpoint source pollution from private and public development.

Policy Consistency: Under the proposed ordinance, projects involving net impervious surfacing of 5,000 square feet or more will be required to treat runoff using Low Impact Development (LID) measures, such as open vegetated swales.

Policy SL 1.3 **Minimize Erosion associated with New Development**
Avoid development, including roads and driveways, on the steeper portions of a site except when necessary to avoid flood hazards, protect prime soils, and protect sensitive biological and other resources. Avoid grading and site disturbance activities on slopes over 30%. Minimize site disturbance and protect existing vegetation as much as possible.

Implementation Strategy SL 1.3.1
Implement Low Impact development (LID) for all new public and private projects.

Policy Consistency: The proposed ordinance will partially fulfill Implementation Strategy SL 1.3.1 by implementing Low Impact Development requirements for new private development in the unincorporated County. *Note:* County Public Works and County General Services are tasked with ensuring compliance with Post-Construction Requirements for projects constructed by the County.

Policy SL 2.1 **Protect Watersheds and Aquifer Recharge Areas**
Give high priority to protecting watersheds, aquifer-recharge areas, and natural drainage systems when reviewing applications for discretionary development.

Implementation Strategy SL 2.1.3
Encourage the use of soil conservation practices in development designs near streams and stream crossings in order to protect natural stream functions.

Policy Consistency: Projects in urbanized areas that propose 2,500 square feet or more of net impervious surface area will be required to meet the "Site Design and Runoff Reduction" performance measure. This measure includes standards about preserving the site's natural hydrological functions.

Policy WR 3.1 **Prevent Water Pollution**
Take actions to prevent water pollution, consistent with federal and state water policies and standards, including but not limited to the federal Clean Water Act, Safe Drinking Water Act, and National Pollutant Discharge Elimination System (NPDES).

Implementation Strategy WR 3.1.3
Minimize construction and post-construction impacts of development through implementation of the County's Stormwater Management Program and Stormwater Pollution Prevention and Discharge Control Ordinance in compliance with Phase II of the National Pollutant Discharge Elimination System (NPDES).

Policy Consistency: Construction phase stormwater control standards have been incorporated into the inland grading ordinance since 2010. Section 6 of this ordinance proposes to bring these standards into the Coastal Zone version of the ordinance. This component is required as part of Phase II of NPDES.

Policy WR 3.2 **Protect Watersheds**
Ensure that public and private developments subject to discretionary review are designed to minimize runoff from such sources as homes, golf courses, swimming pools, and roadway maintenance.

Implementation Strategy WR 3.2.1
Ensure that public and private developments subject to discretionary review are designed to minimize runoff from such sources as homes, golf courses, swimming pools, and roadway maintenance.

Implementation Strategy WR 3.2.2
Encourage the use of permeable materials in areas where hardscape is proposed.

Policy Consistency: All projects in urbanized areas that propose 2,500 square feet or more of net impervious surface area must submit a Stormwater Control Plan (SWCP) under this ordinance. Additionally, these projects must meet the "Site Design and Runoff Reduction" performance standard, which requires practices, such as permeable pavers, as a means of reducing runoff.

Policy WR 4.7 **Low Impact Development**

Require Low Impact Development (LID) practices in all discretionary and land division projects and public projects to reduce, treat, infiltrate, and manage urban runoff.

Implementation Strategy WR 4.7.1

Develop and implement a Low Impact Development (LID) Ordinance to provide clear and consistent guidance in the permit application process.

Policy Consistency: This ordinance would effectively serve as a Low Impact Development ordinance. County Planning and Public Works are presently working on developing guidance documents to help guide applicants and agents through revisions in the permit application process.

Policy WR 6.3 **Drainage Problems**

Consider drainage problems in the context of an entire watershed. Drainage and flood management plans should address property owner and developer responsibilities. These plans should use an integrated watershed approach that incorporates flood management, water quality, water supply, groundwater, and ecosystem protection and enhancement objectives on a watershed/basin scale/

Policy Consistency: The RWQCB Order offers an alternative to requiring on-site stormwater management for each project. That alternative would be to develop a watershed management plan (subject to RWQCB review and approval) that would include a program for off-site stormwater management. This is something the County could pursue in cases where a more regional approach to stormwater management is appropriate.

Policy WR 6.4 **Integrated Drainage Approach**

Assure that proposed development integrates ecosystem enhancement, drainage control, and natural recharge as applicable.

Implementation Strategy WR 6.4.1

In those areas where percolation is the primary means for flood control, implement low impact design (LID) to enhance percolation and allow desirable groundwater recharge to increase supply and minimize seawater intrusion.

Implementation Strategy WR 6.4.2
Drainage plans will identify measures to detain or retain stormwater as appropriate in order to assist infiltration, including identification of sites for infiltration basins.

Policy Consistency: Projects in urbanized areas that propose 15,000 square feet or more of net impervious surface area will be required to meet the "Runoff Retention" performance standard. Depending upon a project's Watershed Management Zone (WMZ)

EXHIBIT F

IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Tuesday, January 29, 2013

PRESENT: Supervisors Frank Mecham, Bruce S. Gibson, Adam Hill, Debbie Arnold and Chairperosn Paul A. Teixeira

ABSENT: None

RESOLUTION NO. 2013-13

RESOLUTION DISAGREEING WITH CALIFORNIA COASTAL COMMISSION'S MODIFIED LANGUAGE PERTAINING TO LOCAL COASTAL PROGRAM - MAJOR AMENDMENT NUMBER 1-10 (GRADING AND STORMWATER MANAGEMENT ORDINANCES)

The following resolution is now offered and read:

WHEREAS, the County of San Luis Obispo's Stormwater Management Program requires modification of the grading ordinance to add construction and post-construction phase stormwater management standards; and

WHEREAS, the County of San Luis Obispo Board of Supervisors conducted a public hearing on January 26, 2010; March 2, 2010; March 16, 2010; and April 13, 2010; and approved amendments to the Coastal Zone Land Use Ordinance and Local Coastal Program to incorporate these stormwater standards; and

WHEREAS, the County submitted Local Coastal Program - Major Amendment Number 1-10, to the California Coastal Commission for certification on June 22, 2010; and

WHEREAS, on July 27, 2012, the California Coastal Commission recommended modified language in Local Coastal Program - Major Amendment Number 1-10; and

WHEREAS, on August 9, 2012, the California Coastal Commission certified Local Coastal Program - Major Amendment Number 1-10 provided certain modified language suggested by the California Coastal Commission was adopted by the County, said language is contained in the California Coastal Commission staff report, dated July 27, 2012, and attached hereto and incorporated by reference herein; and

WHEREAS, pursuant to the California Code of Regulations, Title 14, sections 13544(a), 13544.5(a), 13547(a) and 13551(b), amendments to the Local Coastal Program may only be certified and take effect after the Board of Supervisors passes a resolution accepting and agreeing to all modifications proposed by the California Coastal Commission; and

WHEREAS, the California Coastal Commission's modified language includes revisions to the Coastal Development Permit exemptions identified in Chapter 3 of the Coastal Zone Land Use Ordinance; and

WHEREAS, eliminating the Coastal Development Permit exemptions for certain agricultural practices is a significant policy departure from the County's present administration of its Local Coastal Program; and

WHEREAS, modifications to Coastal Development Permit exemptions are outside of the scope of this amendment, which was intended to achieve compliance with the Stormwater Management Program; and

WHEREAS, modifications to Coastal Development Permit exemptions were not considered at the local level during the 2010 Board of Supervisors hearings; and

WHEREAS, compliance with construction phase and post-construction phase stormwater management requirements identified in the Stormwater Management Program can continue to be implemented in the Coastal Zone through the drainage plan review process and through conditions of approval until adoption of a Local Coastal Program Amendment is complete; and

WHEREAS, in September 2012, the Central Coast Regional Water Quality Control Board (RWQCB) adopted Resolution R3-2012-0025 imposing new post-construction stormwater management requirements and requiring that all local ordinances be amended to reflect these requirements by September 2013, which will require another Local Coastal Program Amendment; and

WHEREAS, the post-construction stormwater management standards in Local Coastal Program – Major Amendment Number 1-10 are no longer current and do not reflect the requirements of RWQCB Resolution R3-2012-0025

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, in a regular meeting assembled on the twenty-ninth day of January, 2013, that the Board of Supervisors of San Luis Obispo County does not accept or agree to the modified language as suggested by the California Coastal Commission, pertaining to Local Coastal Program Major Amendment Number 1-10 as set forth in Exhibit A attached hereto and incorporated herein as though fully set forth.

Upon motion of Supervisor Gibson, seconded by Supervisor Hill, and on the following roll call vote, to wit:

AYES: Supervisors Gibson, Hill, Mecham, Arnold and Chairperson Teixeira

NOES: None

ABSENT: None

ABSTAINING: None

the foregoing resolution is hereby adopted.

Paul A. Teixeira
Chairman of the Board of Supervisors

ATTEST:

JULIE L. RODEWALD

Clerk of the Board of Supervisors

By: /s/Annette Ramirez
Deputy Clerk

[SEAL]

The undersigned Deputy Clerk of the Board of Supervisors certifies that, pursuant to Section 25103 of the Government Code, delivery of this document has been made on February 1, 2013.

JULIE L. RODEWALD
County Clerk and Ex-Officio Clerk of the Board of Supervisors

By_____
Deputy Clerk

APPROVED AS TO FORM AND LEGAL EFFECT:

RITA NEAL
County Counsel

By: /s/ Timothy McNulty
Assistant County Counsel

Date: January 29, 2013

STATE OF CALIFORNIA) ss.
COUNTY OF SAN LUIS OBISPO)

I, **JULIE L. RODEWALD**, County Clerk of the above entitled County, and Ex-Officio Clerk of the Board of Supervisors thereof, do hereby certify the foregoing to be a full, true and correct copy of an order entered in the minutes of said Board of Supervisors, and now remaining of record in my office.

Witness, my hand and seal of said Board of Supervisors this 1st day of January 2013.

JULIE L. RODEWALD,
County Clerk and Ex-Officio Clerk of the Board of Supervisors

By:_____
Deputy Clerk

EXHIBIT G
ACRONYMS

BMP ..... **Best Management Practice.** A system, device, feature, or practice considered to be the most effective at achieving a certain goal (e.g. erosion control, sedimentation control, stormwater management, etc.).

CWA ..... **Clean Water Act.** The primary federal law concerning water pollution. Enacted in 1972.

LCP ..... **Local Coastal Program.** A document that authorizes the County, rather than the Coastal Commission, to grant Coastal Development Permits.

LID ..... **Low Impact Development.** A way of handling drainage using natural hydrologic processes. Generally, encourages reduction of pervious surfaces, open swales rather than underground pipes, and capture and percolation of stormwater.

MS4 ..... **Municipal Separate Storm Sewer System.** The system of County facilities through which stormwater is conveyed. This includes not just stormwater devices, but also roads and gutters.

NPDES ..... **National Pollutant Discharge Elimination System.** The federal permitting system developed to authorize discharges regulated under the Clean Water Act.

PCRs ..... **Post Construction Requirements.** Performance requirements for drainage and hydrology that have been developed by the Central Coast Regional Water Quality Control Board.

RWQCB ..... **Regional Water Quality Control Board.** The regional water quality authority. San Luis Obispo County falls under the jurisdiction of the Central Coast RWQCB, which has territory extending from Santa Cruz to Santa Barbara Counties.

SCM ..... **Stormwater Control Measure.** A BMP that is specifically for the purposes of stormwater. This is a system, device, feature, practice that is designed to handle a site's stormwater.

SWCP ..... **Stormwater Control Plan.** A plan submitted by an applicant that shows how stormwater will be handled with the new development for the long-term.

SWMP ..... **Stormwater Management Program.** The document prepared by the County that identifies measures the County will undertake in order to comply with stormwater requirements.

SWPPP ..... **Stormwater Pollution Prevention Plan.** A plan submitted by an applicant during the that identifies how stormwater will be handled during the construction phase of the project.

SWRCB ..... **State Water Resources Control Board.** The state-level water quality authority that oversees nine RWQCBs.

URL ..... **Urban Reserve Line.** A line established in the County General Plan that delineates the boundaries of a community.

USA ..... **Urban Sustainability Area.** A dense urban infill area where stormwater management standards may be reduced.

VRL ..... **Village Reserve Line.** A line established in the County General Plan that delineates the boundaries of a village.

WMZ ..... **Watershed Management Zone.** The Central Coast Region has 10 WMZs, which are based largely on soils, vegetation, and watershed type. Runoff retention requirements differ depending upon which WMZ a project is in.

EXHIBIT H

CALIFORNIA Water Boards

Edmund G. Brown Jr.
Governor

Matthew Rodriquez
Secretary for
Environmental Protection

Central Coast Regional Water Quality Control Board

February 20, 2013

Mr. Mark Hutchinson
Environmental Programs Manager
County of San Luis Obispo
mhutchinson@co.slo.ca.us

Dear Mark:

NOTIFICATION TO JOINT EFFORT STORMWATER DISCHARGERS REGARDING (1) STATE WATER BOARD ADOPTION OF PHASE II STORMWATER PERMIT AND (2) MAINTAINING SCHEDULE FOR IMPLEMENTATION OF CENTRAL COAST WATER BOARD POST CONSTRUCTION REQUIREMENTS

On February 5, 2013, the State Water Resource Control Board adopted the General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4s). This renewal of the so-called "Phase II Permit" includes more detailed requirements than the previous 2003 Phase II Permit for all stormwater management measures, including post-construction requirements. This letter describes the process the Central Coast Water Board will follow to ensure implementation of the Central Coast Post-Construction Stormwater Management Requirements for Development Projects in the Central Coast (Post-Construction Requirements) proceeds as scheduled and in a manner consistent with the new Phase II Permit.

Post-construction requirements are addressed in Section E.12 of the Phase II Permit. Section E.12.k and the Fact Sheet for the Phase II Permit provide that:

"Small MS4s shall comply with any post-construction storm water management requirements based on a watershed process approach developed by Regional Water Boards in lieu of the post-construction requirements of E.12. The regional watershed-process based approach must be approved by the Regional Water Board following a public process and must include the following:

- *Completion of a comprehensive assessment of dominant watershed processes affected by urban storm water*
- *LID site design and runoff reduction measures, numeric runoff treatment and retention controls, and hydromodification controls that will maintain watershed processes and protect water quality and beneficial uses.*
- *A process by which Regional Board staff will actively engage Permittees to adaptively manage requirements as determined by the assessment of watershed processes.*
- *An annual reporting program that involves Regional Board staff and State Board staff to inform statewide watershed process based criteria.*

The regional watershed-process based approach must be approved by the Regional Water Board following a public process." (Fact Sheet, p. 42)

As you know, on September 6, 2012 the Central Coast Water Board adopted Resolution R3-2012-0025 requiring Central Coast MS4s participating in the Joint Effort for Hydromodification Control and Low Impact Development to implement the Post-Construction Requirements beginning September 6, 2013. The Resolution stipulates that the Joint Effort MS4s must amend or attach the Post-Construction Requirements to their SWMPs so that the Post-Construction Requirements are an enforceable part of the SWMPs. Because the recently adopted Phase II Permit no longer requires SWMPs – and instead relies on the more specific language of the Permit itself – the provisions of the Phase II Permit sited above necessitate that the Central Coast Water Board re-approve the Central Coast Post-Construction Requirements. Reapproving the Post-Construction Requirements will make them consistent with, and enforceable through the Phase II Permit. Until the effective date of the new Phase II Permit – July 1, 2013 – the 2003 Phase II Permit is binding and Resolution R3-2012-0025 is as well.

The process of reapproving the Post-Construction Requirements will also provide the Central Coast Water Board the opportunity to address parts of the Post-Construction Requirements that have been found to be problematic since their adoption last September. Specifically, Central Coast Water Board staff will propose an alternative to the event-based approach to sizing retention facilities outlined in Attachment D of the Post-Construction Requirements.

Process and Schedule for Reapproving the Central Coast Post-Construction Requirements

The Central Coast Water Board will meet March 14, 2013 in San Luis Obispo. At that meeting Central Coast Water Board staff will present its strategy for implementing the Phase II Permit Section E.12 language above that allows Regional Water Boards to approve alternative post-construction requirements. Staff will also define the scope of proposed revisions to the Post-Construction Requirements, including any revisions to the retention BMP sizing method that currently requires a large multiplier as a factor of safety. At this March meeting, staff will notify the Central Coast Water Board of its intention to recommend approval of the Post-Construction Requirements at a subsequent meeting scheduled for July 11, 2013, in Watsonville, CA. By February 28, 2013, Central Coast Water Board staff will post to the web a staff report for the March 14, 2013 meeting agenda item.

Preparing for Adoption of Enforceable Mechanisms (Ordinances)

At both the March and July Central Coast Water Board meetings, staff will provide the Central Coast Water Board and public with a status of current efforts by staff and MS4s to prepare for implementation of the Post-Construction Requirements. These efforts include direct outreach to MS4s by Central Coast Water Board staff to determine the status of efforts to adopt ordinances as enforceable mechanisms for implementing the Post-Construction Requirements.

Central Coast Water Board staff has notified all Joint Effort MS4s concerning acceptable approaches for MS4s to take in meeting the requirements to approve new and/or modified enforceable mechanisms that effectively resolve regulatory conflicts and implement hydromodification controls and LID in new and redevelopment projects. As stated in that notification:

- Permittees may incorporate the detailed requirements of the Post-Construction Requirements into ordinance by reference.
- For communities in the Coastal Zone, the Central Coast Water Board does not require the ordinance be approved by California Coastal Commission (CCC) or adopted into a Local Coastal Plan (LCP) or land use code. Compliance with CCC requirements is a matter between the municipality and the CCC. As with any business MS4s conduct with

the Central Coast Water Board, it is the MS4's responsibility to ensure any action it takes complies with all relevant Federal, State, and local regulations.

- MS4s in the Coastal Zone must have an ordinance or other equivalent enforceable mechanism in effect in at least the non-Coastal Zone portions of their permit area by September 6, 2013. MS4s may implement the Post-Construction Requirements in the Coastal Zone as conditions of approval on regulated projects. (However, MS4s must ensure effective implementation of the Post-Construction Requirements for all regulated projects, as defined by the Post-Construction Requirements.)
- Inland MS4s must have an ordinance or other equivalent enforceable mechanism in effect throughout the Permit area by September 6, 2013.

You can expect to be contacted by Central Coast Water Board staff in the near future to discuss progress toward completing Joint Effort BMPs and implementing the Post-Construction Requirements. If you have any questions regarding this letter, please contact **Dominic Roques**, at Dominic.Roques@waterboards.ca.gov or at (805) 542-4780.

Sincerely,

Kenneth A. Harris Jr.
Interim Executive Officer

cc: Central Coast Municipal Stormwater Interested Parties List

S:\Stormwater_Stormwater Program_Municipal Program\Post-Construction Requirements\Implementation\post_phaseII_adopt_ltr_final_KAH_mm.docx